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WORLD PEACE

BY MAJOR JOHN BIGELOW

MARS-LA-TOUR AND GRAVELOTTE

PRINCIPLES OF STRATEGY

REMINISCENCES OF THE SANTIAGO CAMPAIGN

THE CAMPAIGN OF CHANCELLORSVILLE

AMERICAN POLICY

WORLD PEACE

WORLD PEACE

HOW WAR CANNOT BE ABOLISHED
HOW IT MAY BE ABOLISHED

BY

JOHN BIGELOW
(Major U. S. A. Retired)

NEW YORK
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1916

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PREFACE

THE intensity and far reaching effects of the present war have led people to think with unwonted seriousness of the advantages of peace and of the ways and means that have been suggested for the abolition of war.

According to strict pacifists, Belgium did wrong in arming herself for war. She should have met the advancing Germans with a simple protest. Fighting, they say, can never be right. There are peace fanatics probably in all countries, but in none do they form public opinion or determine foreign policy. There is no peace-at-any-price nation. On the other hand, there seems to be a general, world-wide desire for the abolition of war, based not upon immorality, but upon the cost and inconvenience of it, to neutrals as well as to belligerents.

While people will not expose their government to subversion, their civilization to extinction, themselves to subjugation and vassalage, for the sake of peace; they are earnestly look-

ing for a way to avoid these calamities without burdening themselves with military preparation for or against war.

Pages might be filled with the proceedings of congresses, conferences, conventions, etc., at which resolutions and treaties were drawn up, in which nations engaged to do or abstain from, doing certain things, in the interest of peace. These enactments are pointed to with pride by members of Peace Societies as their "achievements." But if one asks them for signs of a diminution in the frequency, the cost, or the horrors of war, they can only point to the future and babble about this being the last war. They make regulations for the conduct of war based on the delusion that their principles, their sensibilities, their consciences and those of other people, are the same in time of war as they are in time of peace; when they are fighting for their national existence as when they are absorbed in the pursuits and softened by the pleasures of profound peace. Since the days of Grotius people have been decrying in time of peace what they do in time of war and doing in time of war what they prohibit in time of peace. Sherman's March to the Sea, with

the avowed purpose of making Georgia "howl," contrary as it was to our ante-bellum doctrines of the legitimate in war, did not evoke any considerable criticism or condemnation at the time. But since then, under the influence of sectional reconciliation and spells of humanitarian exhilaration, Northern writers have vied with Southern in denouncing what they stigmatize as the acts of vandalism, the barbarous violations of the usages of civilized warfare, committed by Sherman and his "bummers."

The signal failure of the pacifists to end war is due principally to their being under the guidance and influence of two classes of persons, of peace fanatics and international lawyers, each building on an imaginary or impossible foundation: the peace people, on the despicable dogma of peace-at-any-price; the international lawyers, on the fetish of national sovereignty. Why world peace can not be securely based on either of these ideas and how it may possibly be attained, the author has undertaken to set forth or suggest in the following pages.

Pacifists as a class may be divided into two schools: those who reconcile in their minds per-

petual peace with the root of all war, national sovereignty, and those who renounce the idea of perpetual peace, contenting themselves with lessening the frequency of war. It is a natural error to suppose that lessening the frequency of war means a proportional slackening in the preparation for it; something like a corresponding reduction of armament. The United States has had one war in about every twenty-five years of its history. Suppose it knew that for a number of centuries to come, it was to have but one on an average in every fifty years, but had no idea as to what it would be about or the year on which it would fall? How many soldiers, how many battleships would this knowledge enable it to dispense with? The number is hardly worth considering.

The subject of this work is not the diminution or the mitigation of war, but its abolition. The first chapter *Illusions of Pacifism,* exposes the errors of various known plans or projects for world peace. The second takes up the most notable of the actual factors of peace, that of arbitration. The third treats of a world court of justice and of an alliance or league of peace. These means being found inadequate,

we come by process of elimination, to the last hope of world peace, the formation of a world state. As a preliminary to its consideration, chapter four is devoted to the subject of *A World People*. In chapter five, a world confederation and a world nation are discussed and compared. In chapter six the preferability of a world nation is emphasized and the prospects for its realization considered.

An Appendix gives the texts of the more important and less accessible documents referred to; this is followed by a Bibliography and an Index.

JOHN BIGELOW.

New York, January 1st, 1916

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WORLD PEACE

I

ILLUSIONS OF PACIFISM

"PERPETUAL PEACE," said von Moltke, "is a dream, and not a beautiful dream at that." It has been said that war is a function of nationality; that nations must bleed in order to live; that when they cease from periodical blood-letting they die. Men who have a horror of militarism and the glittering, intoxicating barbarity of war, believe that war with all its evils, is a necessity, that it will never be dispensed with. Others denounce and stigmatize it as the capital crime, the barbarous anomaly, the hideous disgrace, the monstrous unmitigated evil, of the age; and sing praises to perpetual, universal peace as the great boon, the lofty aspiration, the supreme desire and prospect of the human race. Men are thus far

from agreed as to the desirability of perpetual Peace. They are still further from agreeing as to its practicability. Among those who regard it as practicable there is again the widest diversity of view as to how it may be realized.

If experience has failed to teach us how war may be abolished, it has shown us in considerable measure how it can not be abolished. It has made it plain that one cannot prevent war by appealing to men's parsimony or to their pusillanimity. The normal citizen or subject, when he knows or believes his country to be in danger, considers not what he can afford to pay, but what he need pay, to make it safe. The peace people are aghast at our military budget.[1] We are applying, they tell us, 43 per cent. of our total expenditures to preparation for future war. We really are not. But what is 43 per cent. of our expenditures as a guarantee of national safety and honor? The people of the United States are ready to put 53 per cent., 63 per cent., 73 per cent., and no one can say how much more, of their expenditures,

[1] In these pages the term Peace People or Peace Party denotes the organized or unorganized advocates of the attempt to bring about World Peace by international agreement, notably by treaties of arbitration.

into armament, if the situation of the country demands it. If our war expenditures are to any extent excessive, let it be shown. The government and the people are willing to listen, and would like to be convinced that they can assure their national safety with less, but they do not care to hear in this connection about the number of schools or hospitals or libraries or colleges that might be founded on the cost of one battleship. The need there may be of such institutions must be subordinated to that of national security. The country moreover can afford both.

It costs about the same amount of money to support the navy for a year as is spent for automobile tires in the United States—viz., $130,000,000. Statisticians estimate that, because of the destruction of birds, the loss to the United States through the ravages of insects amounts to $800,000,000 a year, so that good bird laws would enable us to sustain an enormous navy.[1]

The American people spend annually $2,000,000,000 on intoxicating liquor and $1,200,000,000 on tobacco. The combined cost of these two items alone is $3,200,000,000, or about thirteen times the amount spent annually on all of our military forces. Thus by curtailing these semi-vices one-thirteenth (which

[1] Admiral Wainwright, U. S. Navy.

would be a great benefit to the nation), we could pay for our entire military establishment.[1]

In 1913 Germany increased her peace army by about 160,000 men at a cost of about $50,000,000 a year. France, taking this action as a menace to her, made a corresponding increase in her army. In proposing this action to the Chamber of Deputies, the minister of war said:

> We do not deceive ourselves as to the heavy burdens which the new law will impose upon our country. But the country's bearing under recent circumstances has sufficiently proved that this necessity is not beyond its appreciation or its patriotism.
>
> There is something that dominates all contingencies, that triumphs over all hesitations, that governs and determines the individual and collective impulses of a great and noble democracy like ours: It is its well settled purpose to be strong and free and to remain mistress of its own destinies.

These sentiments met with cordial approval throughout France and in every class of society. In the present war the French government is spending about $7,000,000 a day, from twice to three times what the North spent per day to carry on the Civil War. The popula-

1 "Peace Insurance," by Richard Stockton, Jr., p. 17.

tion of France (in Europe) is about 40,000,000; that of the North in our Civil War was about 25,000,000. These figures express only the expenditures of the national governments. To get the total cost it would be necessary to add the private contributions, the municipal, communal, and state or department appropriations. These additions would together perhaps equal the national expenditures. Finally, there are the post bellum expenditures, possibly an indemnity, but certainly pensions, and outlays for the restoration of property destroyed, commercial relations interrupted, etc. Among the people who are waging the present war there may be many who are too ignorant to understand all this. But the great majority of them must be alive to the fact that tremendous sacrifices of life, blood, money, and property will be required of them. These sacrifices they are not promising, but making.

According to David Starr Jordan, the physique of the average Frenchman has been impaired by the sacrifice of the sturdiest men of France in the Napoleonic wars.[1] So far as this

1 "War and Waste," pp. 24-26; "The Peace Movement Practical," by Theodore Marburg, p. 21.

is true, it testifies to the loss that war may entail, but does not prove it to be a bad investment. A nation of small men is better than no nation at all. A voluminous work by Bloch, the Russian pacifist, was devoted to the demonstration of the futility, if not the impossibility, of future war.[1] Its appearance was closely followed by the Russo-Japanese war, in which more men were drawn up and directed in battle than had ever been before. And now Europe, not to say the world, is shaking with a contest that makes every former war look undersized. Bloch's work has been so discredited by recent events that even pacifists have not the face to mention it.[2]

Men cannot be shocked by scenes of slaughter or tales of blood into a renunciation of war. In vain have artists and writers and orators depicted its hardships and sufferings, its butchery and other horrors. Vereshtchagin with his brush, Tolstoy and Zola with their pens, and innumerable experts of less distinction have

1 "War from the Standpoint of Technology and Economy," by Iwan S. Bloch, 6 vols. See also his lectures delivered at the Hague in 1899 and published under the title: "Impossibilités techniques et économiques d'une Guerre entre grandes Puissances."

2 In the learned and philosophical study, "Sociologie de la Paix," by A. de Maday (1913), a chapter of which is devoted to "La Paix internationale et ses Progrès," Bloch's work is not referred to.

pictured the gruesome scenes of the battlefield, of the hospital, of besieged cities, of ruined provinces.

The stage and moving pictures have been enlisted in this propaganda. Spectators at *The Birth of a Nation* were handed, with their playbills, a tractlet entitled "The Play's Message of Peace," in which one read as follows. The words in quotation are ascribed to "a member of the Senate of the United States":

> "Any one contemplating war should see this picture. I sincerely believe it will do more to deter people from engaging in war than anything written or spoken on the subject in years."
>
> Great care has been taken not to glorify battle. Even the music stops in its motif of glorification to sound the note of terror and desolation which is the real truth of war.

As if anybody could truly describe, any contrivance really represent, battle or war, and not glorify it. All attempts to do so result only in distorted, incomplete, or mutilated presentments of particular features which, by themselves, are a travesty on the general aspect of war, of a people rising in its might, spread-

ing itself in tramping columns over fields and hills and mountains, shaking the earth, the air and the vault of heaven with its thundering enginery, hoping, aspiring, dreaming, hungering, bleeding, dying, for what it believes to be the right.

The Chinese-Japanese war, the Russo-Japanese war, the Tripolitan-Italian war, the first Balkan war, the second Balkan war, have added to the supply of anti-war literature. The excesses of the two wars in the Balkans were subjected to an investigation by an International Commission of Inquiry. The unique and important character of this work calls for a more than passing notice of it. In its preface Dr. Nicholas Murray Butler says:

> The purpose of such an important examination by an independent authority was to inform public opinion and to make plain just what is or may be involved in an international war carried on under modern conditions. If the minds of men can be turned even for a short time away from passion, from race antagonism and from national aggrandizement to a contemplation of the individual and national losses due to war and to the shocking horrors which modern warfare entails, a step, and by no means a short one, will have been taken toward the substitu-

tion of justice for force in the settlement of international differences.

This being the purpose of the commission, its work was carried far beyond it. As a consequence, its report is unnecessarily ponderous, covering such subjects as The Origin of the two Balkan Wars, The Ethnography and National Aspirations of the Balkans, The Struggle for Autonomy, The Alliance and the Treaties, The Conflict between the Allies, The War and International Law, Economic Results of the War, The Moral and the Social Consequences of the Wars, and the Outlook for the Future of Macedonia. Of the 398 pages of the body of the book, only 137 treat of the subject indicated in the Preface. The rest may be regarded as respectable padding. But for the extra labor and expense which it entailed, more might have been devoted to the sifting and corroboration of evidence, and to its intelligible and effective presentation. We might then have had a concise, orderly exposition of well authenticated facts instead of the medley of evidence and hearsay of which the "atrocity" chapters (II., III. and IV.), with their Appendices, consist. Many of the in-

stances cited would seem to a judicial mind to be imperfectly established. Yet the record on the whole should satisfy the most skeptical that the wars in the Balkans included acts of treachery, massacre, devastation, rape, torture, and fiendish cruelty, as disgraceful to civilization as they are revolting to humanity.

Perhaps the most conclusive evidence adduced by the Commission is that of written accounts rendered by the perpetrators themselves. Here are a few extracts from letters of Greek soldiers. Each paragraph is from a separate letter:

By order of the King we are setting fire to all the Bulgarian villages because the Bulgarians burned the beautiful town of Serres, Nigrita, and several Greek villages. We have shown ourselves far more cruel than the Bulgarians.

Here we are burning the villages and killing the Bulgarians, both women and children.

We took only a few [prisoners] and these we killed, for such are the orders we received.

What is done to the Bulgarians is indescribable; also the Bulgarian peasants. It was a butchery.

Of the 1200 prisoners we took at Nigrita only forty-one remain in the prisons, and wherever we have been we have not left a single root of this race.

I took five Bulgarians and a girl from Serres. We shut them up in a prison and kept them there. The

girl was killed and the Bulgarians also suffered. We picked out their eyes while they were still alive.[1]

Under the heading THE SERVIANS IN THE SECOND WAR, the commission presents the following Extracts from an Official Report by Officer-Candidate Penev, Aide-de-Camp of the first battalion of the 26th [Bulgarian] Infantry:

On the road leading to Strumnitza, ... I found a soldier of the Tenth (Rhodope) Infantry crucified on a poplar tree by means of telegraph wires. His face had been sprinkled with petroleum and burned. . . . . A soldier of the First (Prince Alexander's) Infantry was hanging head downwards, with his feet bound with telegraph wire. . . . His ears and hands had been cut off, and his eyes torn out. . . . . At Ormanovo . . . all the women and all the girls over eight years of age were shut up in a house and violated. The same thing happened in Bossilovo, Dabine, and Robovo. In this last village the Greek soldiers bound the priest and violated first his daughter and then the other women before his eyes. They then shot the priest and burned the village. [At Strumnitza] . . . the Bulgarian wounded who had remained there were left without care or food. The Greek sentinels appropriated all the bread, milk, etc., which the good women of the town brought to the

[1] "Report of the International Commission to Inquire into the Causes and Conduct of the Balkan Wars," p. 105.

soldiers. Finally the wounded soldiers were shut up in the Turkish tower and set on fire. Their charred bodies were still lying there on September 16, when the Greeks evacuated the town. . . . A school teacher informed me that on the night of August 23 she was taken to the barracks, where she was first outraged by the Greek commander and then by twenty-four soldiers, one after the other. She is now in a pitiful condition.[1]

Similar deeds are charged against the Turks and against the Bulgarians.[2] Assuming all of these atrocities to have been actually committed, has the publication of them had any effect towards deterring the Servians from defying Austria, or keeping Germany or Russia or France or Belgium or Great Britain or Montenegro or Japan or Turkey or Portugal from going to war?

More tales of horror brought nearer to our own country or to our lines of travel are coming to us from the theatre of the present war. We see in pictures the sides of houses blown in by bombs dropped from airships. We read of trenches full of dead soldiers, of corpses piled

1 Opus cit., pp. 324, 325.

2 An arraignment of the latter in particular may be found in "Les Cruantés bulgares en Macédoine orientale et en Thrace, 1912-1913: Faits, Rapports, Documents, Témoignages officiels," Anonymous, 1914.

up as breast works, of prisoners tortured and mutilated, of women outraged or crazed by the indignities and sorrows visited upon them. These things, we are told, are doing or going to do what the horrors of preceding wars have not done, shame humanity out of the thought of going to war. Will they? Are they so much worse than the horrors of former wars?

According to the report of a Commission appointed by the Belgian government, particular acts were committed by German troops in Belgium which in savage cruelty were on a par with the atrocities charged against the Balkan soldiery. Referring to the doings of some German cavalry—at Neerhespen between the 10th and 12th of August—it says:

> An old man of the latter village had his arm sliced in three longitudinal cuts; he was then hanged head downward and burned alive. Young girls have been raped and little children outraged at Orsmael, where several inhabitants suffered mutilations too horrible to describe.

The Belgians, having only the German troops to deal with, could not retaliate nor could they have provoked the enemy, with rape or outrage, but they seem to have proved them-

selves at least equal to the Germans in savage and ingenious cruelty. On or about the 30th of September, 1914, the General Staff Medical Officer (General Stabarzt) and chief of the Sanitary Department, of the German army, reported to the Emperor:

A few days ago a field hospital was attacked at Orchies by franctireurs. A punitive expedition undertaken on the 24th of September by Landwehr Battalion 35 came upon superior forces of the enemy, of all arms, and had to retire with a loss of 8 dead and 35 wounded. A Bavarian pioneer battalion sent out the next day did not come across any enemy and found Orchies abandoned by its inhabitants. Inside the place 20 Germans, wounded in an engagement the day before, were found horribly mutilated. Their ears and noses were cut off and they had been suffocated by the injection of sawdust in their mouths and noses. The correctness of these representations was certified to in writing by two French divines. Orchies was levelled to the ground.

Early in the same month, Dr. von Bethmann-Hollweg, the German Chancellor, made a statement to the Associated Press, in which he said:

Belgian girls gouged out the eyes of defenseless wounded. Officials of Belgian cities have invited our officers to dinner and shot and killed them across the

table. . . . Belgian women cut the throats of soldiers whom they had quartered in their homes, while they were sleeping.[1]

Horrible as these allegations are, they are not more so than those regarding the wars in the Balkans, nor do they seem to be as common a feature of the present war, as similar ones were of the Balkan Wars. The abominations of which they treat seem in the present war to be sporadic and exceptional, whereas in the Balkan wars they were habitual and general. But taking the blood-curdling, harrowing details of all these wars, contemplating them ever so intently, is one appreciably less willing than before to fight for one's country; is any German less ready to help Germany seize her place in the sun; any Frenchman, to help France recover Alsace-Lorraine; any Briton, to vindicate the boast "Britannia rules the waves"; any American, to assert and enforce the Monroe doctrine? Not the most hideous expression that war's grim visage can take on will paralyze purposes like these. It is more likely to arouse and stimulate them. The exploitation of war-horrors in art and literature tends to

1 "New York Times," Sept. 27, 1914.

create a morbid interest in them, and to prepare people for war by familiarizing them with its most repellant aspects. At the most, it increases instinctive aversion to war without making it insurmountable. It cannot be trusted to abolish or prevent war.

No delusion about war is so hard to kill as the idea that the slaughter of the battlefield increases with the improvement of the implements and the development of the art, of war. Statistics have been published over and over again showing that exactly the contrary is the case. Yet the delusion continues to serve the Peace enthusiasts as evidence of the approach of the millennium. For surely when war becomes so destructive that no one will have the nerve to fight, there will be no more war. Even so sensible a man as General Sheridan fell a victim to this sophism.[1]

It can be traced back to the Middle Ages. The invention of the cross-bow so increased the effectiveness of the soldier's weapon that people talked about the impossibility of getting men to face its dreadful projectiles. Next

[1] In one of my last conversations with Sheridan he expressed the opinion that the improvement in the material of war was so great that nations could not make war, such would be the destruction of human life ("Sixty Years in Public Affairs," by G. S. Boutwell, II, 242).

came the invention of gunpowder and its application, first to small arms, then to cannon. It was believed that the villainous saltpeter had done the business, that it had made war too destructive to be possible. With the invention of rifling and the consequent increase in the range and accuracy of fire-arms, the end of war was again predicted, and so it was upon the invention of breech-loading and then of repeating fire-arms. The invention of torpedoes, it was said, would put an end to naval war, and now we have a similar extravaganza in the expectation that airships, dropping explosives upon armies and fleets, and submarines blowing them up from below, will be the end of both land and naval warfare. Military technology will never reach the perfection that will render it useless. Military tactics will see to that. No matter how deadly the weapon, there will always be a distance at which it may be prudently and effectively combated. As to the losses in battle prior to the use of fire-arms, there is great dearth of reliable information, but there is ground for the statement that the battles fought with sword, spear, javelin, lance, battle-axe, bow, cross-bow, catapult, battering

ram, etc., were bloodier than those fought with muskets, rifles, and cannon.[1]

At the battle of Cannæ, fought in 216 B.C., the Romans, numbering 69,000, lost 48,000, or 70%, in killed and wounded. Their Carthaginian opponents, numbering 50,000, lost 5,700 in killed and not improbably some 20,000 in wounded.[2] But taking the killed, on both sides, and the wounded only on the side of the Romans, we have for 119,000 engaged, 53,700 or 45% killed and wounded. No such loss is recorded for any battle of modern times. The per cent. killed and wounded, in the more important battles of the great periods of military history since the introduction of fire-arms, is indicated approximately in the following table.

PERIODS	KILLED AND WOUNDED PER CENT OF FORCES ENGAGED
First. From introduction of firearms to invention of iron ramrod and bayonet...	26
Second. Iron ramrod, smooth bore, flint-lock	20
Third. Rifled bore, percussion cap.....	16
Fourth. Breech-loader, single cartridge....	13
Fifth. Breech-loader, magazine [3]	10

1 "Du Nombre des Tués dans les Batailles," by E. de La B. Duparcq, p. 13 et seq.

2 "Geschichte der Kriegs-Kunst im Rahmen der politischen Geschichte," by Hans Delbrück.

3 The figures for the first four periods are in general taken from or based upon, those given in "Strategos," by C. A. L. Totten, II, 54, 55. Those of the fifth period are compiled or computed by the author. For details, see Appendix A, p. 233 "Post."

Not only the perfection of armament, but also the idea of its reduction, or of disarmament, has created false hopes of a diminution or abolition of war. There is no such thing as perfect or absolute disarmament. A nation, like an individual, has always the means of fighting.

A people without muskets or cannon can improvise weapons from industrial or other material. This is amply illustrated in the histories of primitive and savage peoples and of levies *en masse*. If mere limitation of armament conduced to peace, the era of primitive armament should have been more peaceful than that of its highest development, but we know that it was not, that it was more warlike. That partial disarmament does not prevent protracted, vigorous and costly warfare was shown in our Civil War and is at least suggested by the fitful, internecine war which has been going on for years in Mexico.

If one side in a contest can be disarmed or prevented from arming, it may be placed at such a disadvantage with respect to the other that it will not dare go to war. If the side that is armed does not want war, there will be none,

but if it does, this one-sided disarmament will conduce to it. Only as it places one nation practically in the power of another, can disarmament make for peace; and while it may do this, it is about as likely to make for war. It will prevent war only in special cases which can hardly be counted upon. Peace People do not allude to one-sided disarmament; they advocate uniform or equal disarmament which, if realized, would be generally of no effect.

What is uniform or equal disarmament? Who is to determine it, and when determined, who is to see that it is carried out? Shall the disarmament be such, that no nation shall have any advantage for offense or defense, for aggression or for self-protection, over any other; that Great Britain, for instance, shall cut its navy down to the size of Denmark's, and Germany reduce its army to an equality with ours? Obviously the interests at stake and geographical position must be considered; the uniformity and equality must be one of rate or proportion to many factors.

Now what body of men, what collection of statisticians, could estimate what should be the relation

between Great Britain's armament and her property and ocean interests? What body of calculators could determine what should be the relation of her armaments to that of powers nearer to her in wealth and property interests, such as the United States, France, Germany or Russia? England's policy for years has been that of a two-power navy, a navy as strong as those of any two other nations. What commission of five, yes, five hundred, men could with figures demonstrate to the satisfaction of the people of England that that policy was wrong, and that they should place their navy on a basis of, say, only ten per cent. superiority over that of her neighbors? It is idle to expect that any one of the great powers would submit to a blind universal reduction of armament, irrespectively of controlling conditions; that is, a reduction to, say, ten gunboats or to two battleships. And such arbitrary limitation would overlook entirely the relation of defense to property and wealth, and this relation will be, as it has been, the inevitable basis of all armament preparations.

But the relation of defense to national wealth is not the only proportion which will have to be arranged by these doctors of disarmament. There must be the ratio of geographical location and liability to invasion. It would be laughable for a commission to ask France, Germany or Russia to reduce their armaments in the same degree as Japan, for instance. For the latter has no invading force within striking distance, while the first three countries named are elbow-touching neighbors. Again, England is entirely surrounded by water, and is thus relieved, in a measure, from the danger of invasion

by land, which is ever present to the continental nations of Europe. This proportion of defense to liability of invasion would be a very difficult one to estimate, and we believe that even the most cocksure of all civilian commissions on peace would shrink from such a task fitted to appal the most expert statisticians.[1]

But let us suppose that these difficulties are overcome; let us even go further and assume the nations of the world to be all equal to one another in population, wealth, and resources; that they are placed on an absolute military equality. What is to prevent alliances from being formed that will give one nation with its allies an advantage over some other nation or nations? And finally, what is to keep a nation from destroying its assumed equality with other nations, by developing its military power? In what terms shall the limit of armament be expressed, so that it shall not admit of being violated with the appearance of being observed, or of being observed in the letter and violated in the spirit? The dodge by which Prussia, between 1808 and 1813, while pretending to limit its army to 42,000 men, prepared to put 150,-

1 "Army and Navy Journal," July 9, 1910.

000 in the field, could perhaps not be duplicated, but an army limited to so many men and so many reservists could be increased in efficiency by lengthening the period of service, by increased expenditures upon target practice, manœuvres, equipment, etc., and upon the public schools, rifle clubs, athletic clubs, boy-scout organizations, private military schools, and other such associations and institutions, from which it is recruited. If a navy be limited to so many battleships, so many cruisers, so many submarines, etc., the struggle would be to have them larger, mounting more guns, carrying more men, swifter—in one way or another more formidable, singly and collectively, than those of the enemy; to have more reserves in men and *matériel,* better docking and repairing facilities, etc.

In 1818, the United States and Great Britain effected the Rush-Bagot Agreement for disarmament on the Great Lakes. These were then inland waters. By the agreement they were made a sort of neutral zone. The military and naval problem on each side was then to surpass the other in the armament which, on the outbreak of war, could be thrown into this

ment's warning." Joseph Smith, of the Bureau of Yards and Docks, said that in case of future war, the United States, by reason of its merchant marine and its railroads, could soon outstrip England in building a lake navy.[1] This statement would be as important as it is true, if the two nations were to compete in building a lake navy. But the competition would be, not in building such a navy, but in getting such a navy on the Lakes; between moving vessels already built, on the part of Great Britain, and transporting and putting together pieces of vessels and their armament, on the part of the United States.[2] The advantage in such a contest would be manifestly on the side of Great Britain, unless we succeeded in disabling or commanding her canal or other water communications. The preparations made on each side to secure a preponderance over the other in time of war is, of course, kept as secret as possible. But what is known of

1 Callahan, "Neutr. of Am. Lakes," pp. 131, 132.

2 This navigation of the St. Lawrence and the Lakes by the Welland Canal renders the treaty stipulation that the United States and Canada shall each keep but one naval vessel on the Lakes practically a dead letter, because the British have a fleet of vessels and torpedo boats, which if not on the lakes, can get there in a few days, while the United States have no facilities for getting vessels drawing more than 6 feet on the Lakes, except through British waters ("A Study of Exposed Points on Our Frontier," Office of Naval Intelligence, 1885).

them should satisfy any one that the so-called disarmament on the Lakes is not conducing in any appreciable degree to general disarmament or to the abolition of war.[1] It should enable us to see why the government of the Netherlands, in negotiating a peace treaty with the U. S., rejected the provision that each country should maintain the *status quo ante* as to military preparedness, during investigation of a dispute, and should guard us against any illusions as to the real nature of a "naval holiday."

The effect of such an arrangement as the Rush-Bagot agreement, assuming it to be mutually observed, is to establish a neutral zone between two countries. It virtually excludes armament from the zone itself, but allows it to develop on either side of it. It precludes the contact of forces and so prevents war so far as it may result from friction caused by such contact. But frontier conflicts are not, generally speaking, causes of war. Where they seem to be they are only the occasion for it. The causes were previously set in operation, not by any military force, but by a government or people,

1 Further information as to disarmament on the Lakes is given in Appendix B, p. 240 "Post."

and would have found some other sphere for their development, if none had been furnished by a military clash.

On the evening of February 4, 1899, hostilities were precipitated between the United States and the Philippine insurrection by a U. S. picket firing on an insurgent who refused to halt. If he had halted, the inevitable conflict between the two powers claiming sovereignty over the Philippines would have been postponed, but only for a short time.

On the 28th of June, 1913, the Bulgarian army stood facing the Greek and the Servian armies in Macedonia, a portion of which territory was claimed by the Bulgarian government on one hand and by the Greek and Servian governments on the other. Without any declaration of war, an attack was ordered by the Bulgarian general upon the forces of Greece and Servia, mainly, as the general said, for the following reasons:

I. To bring the [Bulgarian] army to the point of regarding our former allies as enemies,

II. To accelerate the determination of Russian policy through fear of war between the allies,

III. To inflict heavy blows upon our adversaries

in order to compel them to treat the more readily and make concessions,

IV. Since our enemies are in occupation of territories which belong to us, let us try by our arms to seize new territory before the European powers intervene to stop our military action.[1]

This conflict cannot be ascribed to any friction between the opposing military forces. It was due to political motives, which may have been imparted to the Bulgarian general by a lawful superior, in the form of an order. It has been said that such an order was given him by his King, and that he was threatened with trial by a court martial if he failed to obey it. However this may have been, he was a few days later forced to rescind his order and retired from active service for having issued it. But the fighting went on. Whether its initiation was his order or the King's, it was bound to come—no neutral zone would have prevented it.

There is no neutral zone between the United States and Mexico. In spite of constant contact between our forces on the border with

1 "Rep. of Intern. Comm.," p. 68.

those of one Mexican leader or another, and the fact that, in the fighting between Mexican factions in Mexico, projectiles fly across the line into our territory, wounding and killing soldiers and citizens of the United States, we have not allowed ourselves to be drawn into war. If we do, it will be because of the improbable condition that the Mexicans are determined to provoke us to war, are bent on having it whether we want it or not, in which case no removal of our troops would prevent their having it.

If the military budgets of all nations were made and kept equal, the financial resources of the several armies could be made unequal by private enterprise. The competition in armament would take a different form, but it need not be abated in intensity or reduced in cost. The First Peace Conference, held at the Hague in 1899, expressed the wish that the governments of the world should consider the possibility of an understanding as to the limitation of armaments on land and sea and of war budgets. What came of this action is indicated in the following resolution passed at the Second Peace Conference, held in 1907:

The Second Peace Conference confirms the Resolution adopted by the Conference of 1899 with regard to the limitation of military burdens; and seeing that military burdens have considerably increased in almost all countries since that year, the Conference declares that it is highly desirable to see the Governments of the World take up the serious study of this question.

What will the Third Peace Conference, if it ever meets, find to say about it?

Another proposed method of preventing war, which will prove as delusive as disarmament, is that of withholding funds or refusing credit, for war purposes.[1]

Funds will not be withheld, credit will not be refused. Bankers are not in business to preserve peace among nations, but to make money. If they see a good opportunity for investment, they will generally avail themselves of it. They may be prohibited by their gov-

1 Mr. A. B. Farquhar, President of the Pennsylvania Branch of the National Conservation Association, says:

"... the last Peace Congress urgently recommended 'that nations should prevent, as far as possible, loans being raised by their citizens to enable foreign nations to carry on war.' If that action be taken—and it appears quite practicable—an important new obstacle will be interposed" ("The World's Work").

I have carefully examined the Report of the Second Peace Conference, but fail to find the "urgent recommendation" here attributed to it.

ernments from lending money to either of the contending governments. This may not take place until too late, until war is declared or impending. The money will already have been obtained. Funds and perhaps supplies will have been accumulated to last through the war. No more loans will be necessary until it is over. If borrowing be really necessary, it will not be prevented by the prohibition of loans to a belligerent government. The money, if called for, may be lent to private parties who will act as intermediaries. But let us suppose that such subterfuge is impossible. Neither of the contending governments can then borrow. But deficiency of funds, like deficiency of armament, is of little effect in preventing war, when it is equal on both sides; to be effective it must be unequal; to be decisive it must be practically all on one side. The prevention of war in this way is but a variation of the process already described with respect to armament, as possible only in special cases and generally unreliable. Financial pacifism, based either on impecuniousness or on indebtedness is not to be trusted. Under date of August 15, 1912, David Starr Jordan, on whom Bloch's mantle

seems to have fallen, wrote to the *Army and Navy Journal:*

> It is apparently not possible for another real war among the nations of Europe to take place. The great bankers who have secured Europe her $36,000,000 of war loans will not invest any more.

Perhaps they did not invest any more, but within two months from that time, the Balkan troops were sweeping the Turks before them with a dash that excited the admiration even of the incensed European concert. A year later the same writer said:

> The masters of credit are staggered at the hazards of present day war. . . . There will be no general war until the masters direct the fighters to fight. The masters have much to gain, but vastly more to lose, and their signal will not be given.[1]

Did the masters of credit give the signal for the present world war, the gross cost of which is estimated at about $50,000,000 a day? Is any of the belligerent nations weakening from lack of money or credit?

1 "War and Waste," p. 178.

Emigration and the foreign investment of capital have enveloped the world in a network of international interests which is regarded as a great factor of Peace and Good-will among nations. But it may prove a very frail and inadequate one. At the outbreak of the first war in the Balkans, France alone had four milliards of francs ($200,000,000) invested in that country. What effect did this have in deterring the Balkan states from going to war? Germany's dependence upon France for capital, has been regarded almost as a guarantee of peace between the two countries. Germany had borrowed to such an extent in Paris that any war between the two countries "would result," it was said, "in wholesale industrial ruin and financial chaos throughout the length and breadth of the Teuton empire." [1] We are now witnessing such a war. It is carried on with unprecedented vigor, costing Germany about $10,000,000 a day, but we do not hear of a collapse of German finance.

The disappointment of the Pacifists, on the outbreak of the Balkan War, at the failure of their standard preventives of war, was thus pa-

1 Ex-Attaché, "Wash. Post," Oct. 19, 1913.

thetically voiced by *The Nation* (October 24, 1912):

It is hardly an exaggeration to say that the world has stood by with a sense of helpless dismay as Turkey and the Balkan States have plunged into war. The conflict seemed so preventable. For weeks we had assurances that it would be prevented. Diplomacy was to strain all its resources. The financial world was to interpose obstacles. Reason and statesmanlike prudence were to be made effective. Above all, the humane feeling of the nations was to assert itself.

* * * * * * *

Why must humanity be compelled to keep on simply relieving the victims of war and giving shining examples of self-sacrifice amid its horrible barbarities, yet continue powerless to prevent the recurrence of those savageries? The best sentiments of mankind cannot be forever thwarted in this way.

Similar deprecations of the present war may be read almost daily in our press. The appalling loss of life and of capital which it entails will surely, it is thought, lead the nations of the world to agree upon some peaceful mode of settling international disputes. Suggestions along this line will be considered in another place.

The linking of nations by immigration and the commercial and financial dependence of one upon another incidental to trade and commerce have been rightly considered as making for the prevention and abolition of war. The various, ever multiplying and enlarging, international associations and enterprises, bringing peoples in close touch with one another, do make for unity and peace. It is possible that the much censured Standard Oil Company, United States Steel Corporation, International Harvester Company, and other such concerns, whatever their faults may be, have unconsciously done more for the cause of Peace on Earth and Good-will among men than all the peace societies in the world since the oldest of them was started. But international transactions are not invariably amicable, they commonly involved reciprocal liabilities and responsibilities which may become sources of friction and ill will. Thus, the trouble between Japan and the United States over the land laws of California, the Venezuela boundary dispute, and the Anglo-Boer war are traceable to settlements and investments in foreign countries. The overflowing of German cheap labor and

manufactures into France produced in that country, a feeling towards Germans not unlike that of Californians towards Japanese. Two years before the outbreak of the present war a French periodical commented on the situation as follows:

What is certain is that the question of foreign invasion is presenting itself with ever increasing seriousness in various domains. It is noticed in industry, in commerce, in agriculture. Foreigners are trying to conquer the proprietorship of our natural resources; others the administration of our investments; others the possession of our soil; certain persons in a more modest sphere, to substitute their labor for that of our workmen. It is a general infiltration which the people of France have made the great mistake of not caring about. It seems high time that there be a change in this attitude.[1]

With reference to foreign students in France, the same publication said:

It is alleged in fact, in certain quarters, that this foreign invasion brings about a lowering of the standard of studies. It is said furthermore that many of these foreigners, having come to study, establish themselves in France and that the result is a deterioration of the national character.

1 "La Réforme économique," June 7, 1912.

Under the heading, *Made in Germany,* a French daily devoted itself to the counteraction of the German invasion by urging its readers to prefer French-made to German-made goods. This paper, the *Matin,* subsequently advocated the "removal of all works of German artists from French museums and exhibitions."[1]

Another French daily which distinguished itself in this chauvinistic agitation is the *Action française.* In the month of March, 1913, a bulletin was posted about Paris, worded in part as follows: "*German espionage,* in order better to infiltrate itself among us, has managed to take the most various forms. The *Action française* has already shown what threatening combinations of *Avant Guerre* [forewar] are concealed behind enterprises apparently industrial or commercial; for example, the German exploitation of the farms of the *Woëvre* or of the mines of Bourberouge or of twenty factories of chemical products or of electricity, or the German fitting up of the port of *Diélette,* or the German information agency called *Institut Schimmelpfeng,* or the German associa-

1 "Evening Post," Jan. 4, 1913.

tion of the 'Bouillon Kub,' or its no less German sister, the *Maggi Milk Association.*

"The facts stated in the *Action française* are uncontested and incontestable. They concern the national defense and the security of the state in the highest degree."

It has been thought that war may be abolished by a regeneration of mankind, by a simple pacification of men individually, by the eradication of the combative or belligerent instinct of our human nature. Two great apostles of this creed were the American, William Lloyd Garrison, and the Russian, Leo Tolstoy. They were born twenty-three years apart: Garrison in 1805, Tolstoy in 1828. Garrison, with his prominent nose and large, determined mouth, was a man of action as well as of conviction. Tolstoy, with his shaggy-browed, deep-set, but penetrating eyes—their rather forbidding aspect softened by a firm, but sensitive, mouth—was more given to reflection. Both in their way were fearless advocates of their unpopular belief, but only Garrison was in the proper sense of the term a propagandist. His ideal, for men as for disembodied spirits, was a reign or anarchy of love and virtuous in-

dividualism, a freedom from all authority, except the inner light of conscience. He expounded his theories from the platform and through the press. At the age of 26, he started a newspaper of his own, the *Liberator,* devoted especially to the abolition of slavery. It was in the first editorial article of this organ that he declared his zeal for emancipation in the memorable defiance of its opponents:

"I am in earnest—I will not equivocate—I will not excuse—I will not retreat a single inch—AND I WILL BE HEARD."

He was thirty-three when he wrote:

. . . . Few, I think, will be ready to concede that Christianity forbids the use of physical force in the punishment of evil-doers; yet nothing is plainer to my understanding, or more congenial to the feelings of my heart. The desire of putting my enemies into a passion or inflicting any kind of chastisement upon them, except of a moral kind, is utterly eradicated from my breast.

. . . I believe that Jesus Christ is to conquer this rebellious world as completely as the Spirit of Evil has now possession of it; and I know that he repudiates the use of all carnal weapons in carrying on his warfare. There is not a brickbat or bludgeon, not a sword or pistol, not a bowie knife or musket, not a cannon or bombshell, which he does not *suffer* his

Universal Foe to use against him; and which he does not *forbid* his soldiers to employ in self-defense or for aggressive purposes. If, then, the spirit of Christ dwell in me, how can I resort to those things which he could not adopt?[1]

A few days later he drew up for a Peace Convention in Boston a Declaration of Sentiments, in which he said:

We cannot acknowledge allegiance to any human government; neither can we oppose any such government by a resort to physical force. We recognize but one KING and LAWGIVER, one JUDGE and RULER of mankind. We are bound by the laws of a Kingdom which is not of this world; the subjects of which are forbidden to fight. . . .

Our country is the world, our countrymen are all mankind. We love the land of our nativity only as we love all other lands. The interests, rights, liberties of American citizens are no more to us than are those of the whole human race. . . .

We register our testimony not only against all wars, whether offensive or defensive, but all preparations for war; against every naval ship, every arsenal, every fortification; against the militia system and a standing army; against all military chieftains and soldiers; against all monuments commemorative of victory over a fallen foe, all trophies won in battle, all celebrations in honor of military or naval ex-

[1] To S. J. May, Sept. 8, 1838.

ploits; against all appropriations for the defense of a nation by force of arms, on the part of any legislative body; against every edict of government requiring of its subjects military service. Hence we deem it unlawful to bear arms, or to hold a military office.

As every human government is upheld by physical strength, and its laws are enforced virtually at the point of the bayonet, we cannot hold any office which imposes upon its incumbent the obligation to compel men to do right, on pain of imprisonment or death. We therefore voluntarily exclude ourselves from every legislature and judicial body, and repudiate all human politics, worldly honors, and stations of authority.

. . . . We cannot sue any man at law, to compel him by force to restore anything which he may have wrongfully taken from us or others; but if he has seized our coat, we shall surrender up our cloak, rather than subject him to punishment.[1]

This fanatical, nihilistic, antimilitary fulmination was to Garrison's own surprise, adopted by a vote of more than 5 to 1.[2]

Tolstoy, living in comparative retirement, exerted his influence mainly through his books and by conversation. When asked in the course of the Russo-Japanese war what the

1 "William Lloyd Garrison, the Story of His Life Told by His Children," p. 230 et seq.
2 Garrison to his wife, Sept. 21, 1838.

Russian pacifist should do, he said:

Whatever be the circumstances, whether war be commenced or not, whether thousands of Japanese and of Russians be killed or not, though the enemy have taken, not only Port Arthur, but also St. Petersburg and Moscow, I cannot act otherwise than as God directs me. And that is why I cannot, directly or indirectly, either by orders or by my aid, or by approbation, or by incitement, participate in the war: *I can not, I will not, I shall not* participate in it.[1]

He tried to defend his unheroic, unnatural pacifism as the will of God, to justify it by the teachings of Christ. His misinterpretation of the Bible to mean the prohibition of war, springs from two fundamental errors. One is the idea that action, apart from its motive, can be good or bad, moral or immoral.

. . . Those things which proceed out of the mouth come forth from the heart, and they defile the man.

For out of the heart proceed evil thoughts, *murders*, adulteries, fornications, false witness, blasphemies.

These are the things which defile a man, but to eat with unwashen hands defileth not a man.[2]

1 "Ressaisissez-vous," by Leo Tolstoy.
2 Matthew XV, 18, 19, 20.

To those who consider that the form and not the spirit, determines the character of an action, killing is killing. To kill one man for his money, is substantially the same act on a different scale as killing 1,000 or 10,000 men in the defense of a country. Carried to its logical conclusion this means that killing a man accidentally, shooting a hunting companion by mistake, a surgeon causing the death of a patient whose life he tries to save, all such mishaps, no less than the intentional doing to death of a rival, is murder. Common sense denies the preposterous proposition; it revolts at the absurd suggestion that there is no essential difference between a battle and a murder, except in the number killed and the number engaged in the killing. This verdict of reason is confirmed by the conscience, by the voice of God speaking as it speaks only, in the heart of man. In Richard III. it is the murderer who says:

O coward conscience, how thou dost afflict me:

* * * * * * *

My conscience hath a thousand several tongues,
And every tongue brings in a several tale,
And every tale condemns me for a villain.

But the soldier in the same individual exclaims:

A thousand hearts are great within my bosom.

* * * * * * *

I think there be six Richards in the field,
Five have I slain today instead of him.
A horse! A horse! My kingdom for a horse!

In the commandment, "Thou shalt not kill," the Almighty could have referred only to private life, to personal vengeance.[1] When public interest is at stake, we see Him all through the Bible, ordering the killing and chastising of those who refuse to obey Him. From one end of the Bible to the other, God orders His people to make war and miraculously aids them in their combats. Many texts prove that He meant to inure His people to war and develop great captains among them.

"Blessed be the Lord, my strength," said David, "which teacheth my hands to war and my fingers to fight." [2]

Throughout the Bible, we see the vocation of the soldier held in high esteem.

1 "Le Pacifisme et l'Eglise," by Henry Brongniart, from which I have drawn freely. "L'Eglise et la Guerre," by Mgr. P. Batifol, etc.

2 Psalm CXLIV.

Commenting on the teachings of Christ, Tolstoy distinguishes between the "written law" and the "eternal law," meaning by written law the Mosaic law of the Old Testament, and by eternal law the Christian law of the New Testament. He argues from the sayings of Christ that Christ, in His new law, abrogated the old. Among his citations is the following passage: "I am not come to destroy the law, but to teach you the fulfillment of the law; for nothing of *this* law shall be changed, but all shall be fulfilled." "Here," says Tolstoy, "Christ speaks, not of the written law, but of the divine and eternal law." On what authority he bases this assertion does not appear. It is at least possible that Christ refers to the written law and means that it shall not be abolished, but shall be vitalized by inspiration from the new unwritten law. Tolstoy's characterization of the latter as "divine and eternal," in distinguishing it from the written law, seems a begging of the question. For aught that Tolstoy shows, the law of Moses is no less divine and eternal than that of Christ.

That Christ took no occasion to commend or condemn war indicates that he had no new mes-

sage to deliver on the subject. The divine sanction of it had been abundantly attested.

The other fundamental error of Tolstoy's antimilitarism is the idea that Christ's non-resistance was pacifism in the sense of peace at any price. Christ represented and expressed himself as charged with founding God's kingdom upon earth. This was to be a spiritual Kingdom in the outward form of a material Kingdom. He did not contemplate; He did not sanction, the subversion of temporal government, the renunciation of temporal allegiance. He believed in temporal as well as in spiritual things. "Render," He said, "unto Cæsar the things that are Cæsar's and unto God the things that are God's." His life and sayings indicated a purpose, not of substituting spiritual for temporal life, but of imparting the former to the latter. He recognized the natural man, the natural life, the natural world, as compatible with spiritual life, and did not consider the abolition of war as necessary to the saving of souls.

Tolstoy rejects patriotism as irreconcilable with Christianity. He deprecatingly admits:

> I do not feel myself in the bottom of my heart

completely freed from the notion of patriotism. By inheritance, by education, there persist in me, in spite of myself, remnants of egoistic sentimentality. I must interpose my reason, I must consider my supreme duty.[1]

Patriotism, the highest form of that spirit which is particularly enjoined by Christ—love of the neighbor—irreconcilable with Christianity. Nothing that Christ ever said will bear any such interpretation. Christ appears to have been as patriotic a Nazarene as He was a faithful minister of God.[2]

. . . The peace that Christ came to proclaim was not the peace of the ending of battles; it was the peace within the soul, the spirit at one with itself, Islam, in the sense that Mohammed used it, a metaphysical peace, altogether apart from political peace.[3]

The commandment, "Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which spitefully use you, and persecute you" [4] sounds like a pro-

1 "En écoutant Tolstoï," by Georges Bourdon, p. 120.
2 Christ showed by his doctrine and by his example the love which citizens should have for their country (Pascal).
3 "Germany and England," by J. A. Cramb, p. 54.
4 Matthew V, 14.

hibition of war. To get its import, one must consider the people to whom it was addressed. To them the neighbor was only the Israelite subject to the law. Towards heretics, sinners, Samaritans, contempt and hatred were duties. He who came to save men had to combat such provincial prejudice. The offenses that we are commanded to forgive are those committed against ourselves personally. It is on this principle that the Church condemns duelling without condemning war.[1]

The statement of Christ that He brought, not peace, but a sword, into the world meant that His mission was not one of surrender, of cession, of compromise, but one of aggression, of victory, of conquest.

The submission to wrong which Christ preached and practised was in the line of His proselytism. His temporal pacifism was spiritual militantism; his temporal non-resistance was spiritual aggression; his temporal humiliation was spiritual honor; his temporal ruin was spiritual triumph.

When Count Tolstoy refused for the second time to accept the Nobel Peace prize, the sug-

1 Brongniart, opus cit., p. 15; Mgr. P. Batiffol, id.

gestion was made that it be offered to the Dukhobors, a Russian sect, inveterately opposed to war.

> The Dukhobors, it was said, deserve the prize. They have shown the world how to stop war. Other people talk about peace; they practise it. . . . The Dukhobors simply refuse to fight or to be enrolled for military service. Nothing on earth can make a man fight who will not. If other people would follow the Dukhobor rule, there would be no more war or war-taxes.

This community was first heard of in the middle of the 18th century. By the beginning of the 19th their doctrine had become clearly defined and their number increased to some fifteen or sixteen thousand. They consider killing, violence, and, in general, all relations to human beings or to dumb animals, not based on love, to be opposed to their conscience and, therefore, to the will of God. In many respects they closely resemble the Quakers, or Friends. They defied the governors of the Caucasian provinces by refusing to serve as soldiers. Several of their leaders were exiled, and in 1895 about a hundred were condemned to be enrolled

in the so-called "disciplinary regiment." In that year Tolstoy came in contact with them and became interested in them, and it was in aid of them that he subsequently wrote and published *Resurrection.* In 1899, about 7,500 Dukhobors emigrated to Canada, where they formed a settlement.[1]

No doubt, if the people of France and Germany and other nations were devout Dukhobors, they would put an end to war, but how shall they be converted to that faith? Even the socialists will not stand by and see their country invaded and overrun. This has been manifested by resolutions passed at their congress and by their deportment in the present war. On the 22nd of March, 1913, the Executive Committee of the French radical socialist party, issued an ordre du jour in which it declared: "The radical and radical-socialist party, faithful to its tradition and to its principles of attachment to the country and to peace, is resolved to consent to all the sacrifices which the national defense requires."

A few months later Mr. Jaurès, the socialist

1 "Encycl. Britann." For more information about these peculiar devotees of Pacifism, see "Tolstoï et les Doukhobors," by J. W. Bienstock.

leader, asserted the patriotism of his party in these terms:

> Our friends and ourselves are more than anyone else in favor of national defense; we mean in fact to prepare for it with a view to conditions even the most unfavorable to France, those in which she would have to contend alone, without a single friend.[1]

Similar declarations might be quoted from the utterances of prominent German socialists. Bebel, the late chief of the party, said: "The ideas and propaganda of antimilitarism are impossible in the social democracy of Germany. German social democracy is the declared opponent of the present military system; but it considers that a military organization is necessary in the states existing to-day, as long as all civilized nations shall not have established conventions and institutions that make war once for all impossible."[2]

In no country have the socialists refused to obey a legal call to arms or, by their political influence, decided the question of peace or war. They are reported as sounding here and there

[1] Speech in Chamber of Deputies, June 17, 1913.
[2] Letter to Hedeman, 30 April, 1907.

a note of disloyalty, but it would seem that in general they have measured up to the severe demand made upon them by their military authorities.[1] In Italy, the socialists form a considerable element in the war party. Professor Mussolini, one of their leaders, warned the government in these terms:

> . . . If the monarchy is not capable of waging a national war, monarchy will cease to exist in Italy, for a serious political uprising means a change of régime.[2]

Neither the French nor the German government has been in the least embarrassed thus far by Socialist or labor-union opposition. The French mobilization could have been wrecked by the national association of railroad employees, but the work of the railroad men has been so excellent that they have been thanked by the president of the republic for their patriotic service.

In Germany, also, socialists have apparently taken the view that the fatherland was being

1 "The Socialist and the War," by W. E. Walling.
2 "Courier des Etats-Unis," April 10, 1915.

attacked. Accepting accomplished facts and facing a threatened invasion of the country, the socialist leader in the Reichstag supported the war appropriation bill, saying:

> The question that confronts us now is not whether we are for or against war, but what measures we must adopt for the defence of the fatherland. Our heartiest good wishes are with our brothers who have been called to the front. To mitigate the misery which will follow in the wake of war is our duty. But we must recognize that the independence and highest interests of our country demand a victory over the Russian despotism which has stained its hands with the blood of its noblest sons. Today we redeem the promise made long ago. In the hour of need the country may count upon us.[1]

If carried out uniformly, but imperfectly, in all countries, antimilitarism will have no appreciable effect in diminishing the frequency or the average burden of war; if carried out unequally, it places those countries in which it is least developed at the mercy of those in which it is most developed. Such disparity, as already indicated, is about as likely to breed war as it is to breed peace.

1 "Springfield Republican."

Besides the spiritual there is an intellectual prescription for world peace. Prominent among those who look for peace by the development of human intelligence is Norman Angell, author of *The Great Illusion.* According to this author the problem of world peace is to bring home to people's minds the simple truth that war does not pay. He argues "not that war is impossible, but that it is futile, useless, even when completely victorious, as a means of securing those moral or material ends which represent the needs of modern civilized peoples."[1]

I have succeeded, he says, in an hour's talk in giving an intelligent boy of twelve a clearer grasp of the real meaning of money and the mechanism of credit and exchange than is possessed by many a man of my acquaintance running large businesses. Now if every boy in America, England and Germany could have as clear an idea of the real nature of wealth and money, it would in ten years' time be an utter impossibility to organize a war scare.

His book, published originally in 1910, has had a large circulation and been extensively

1 Preface to Fourth American Ed., V.

commented on. The peace people have especially commended it and assisted in the propagation of its arguments. But there is no indication that Germany considers her invasion of France in 1870 or of Belgium in 1914 as a mistake, or that the United States regards its expulsion of the Spaniards from Cuba as bad policy or that Great Britain admits having blundered in subjecting the Boers or that Japan wishes it had not beaten Russia, or that the Balkan States would like to go back under Turkish rule. What he treats as the world's Great Illusion is his own Great Delusion that nothing worth having can be acquired by conquest, that there is no reason why Belgium or Holland should desire more territory in Europe than she has, why Germany and France should not be willing to divide their respective territories with smaller countries, why the United States should mind returning to Mexico the states of California, Nevada, Utah, and Arizona, and the rest of the territory taken from her in 1848. But assuming for the sake of argument that his contention is in itself sound, what guarantee of peace, what insurance against war, would it afford? Are nations

guided solely by their reason; do they not, like men and women, sometimes lose their heads; have they not hearts; have they not feelings, passions, and prejudices; are they not, like men, impelled at times, they know not how, to do things, they know not why, unless it be to fulfill what they feel to be their destiny? Are they to be denatured by the eradication of every such propensity? It has not been proved that the people of the United States would have left the Cubans to their fate under Spanish rule, had they known to a dollar and to a man what a war with Spain was going to cost them. Mr. Angell, taking apparently for granted that they would, advocates a campaign of education to convince people that war costs more than it brings in. What is needed for his purpose, is not education, but a transformation of man into a pulseless, bloodless embodiment of materialistic selfishness. It is gratifying to see the agitation in this direction denounced as it has been.

A large part of the peace propaganda proceeds from an ignoble and cowardly shrinking from the bare thought of sacrifice, hardship, and death, and an equally ignoble, cowardly, unchristian, and unre-

ligious clinging to life at all costs, as the only thing in sight, or believed in; and if this thing continues to run its present course, we shall soon be a nation of cowards, unfit to live and deserving the extinction that will soon and surely come upon us.[1]

The new thought is for the comfort of the individual. It aims to develop the love of peace by creating a fear of war, and so the talk and the writings of the day are of war's horrors, its pangs, and miseries and sufferings. Our eyes are shocked by the spectacle of corpses in heaps and windrows, of rivers running red with blood, of blood-soaked roads, and the wrecks of batteries. Our ears are smitten by the roar of cannon, the shrieks of the wounded, the moans of the freezing, with dirges for the dead. Parents sitting by their firesides shudder and turn pale at the thought of it.

And the boys—the growing boys, the men of the future, upon whom America must depend for its security—tremble. They are being taught to shrink from war's sacrifice and martyrdoms—to turn away from conflict and embrace the life-beautiful, and sweet, and comfortable, and—easy.

That is not the spirit that made America what it is—the spirit that belted the continent with steel, and harnessed Niagara, and pounded through the rocks and sands of Panama.[2]

It is a question whether women are more sub-

1 C. H. H. Scott, letter to "Evg. Post," Oct. 27, 1914.
2 Annesley Burrows, "Mich., Journal," Dec. 21, 1914.

ject or susceptible to antimilitarism than men. President Taft called through the *Woman's Home Companion*[1] upon the women of the United States to come to the support of his arbitration treaties. From the consideration which he gave to women as sufferers in time of war, it would seem that he counted upon converting them more easily than men to acquiescing in the submission of the nation's honor and vital interests to arbitration. Here are the President's concluding words:

Men endure great physical hardships in camp and on the battlefield. In our Civil War the death-roll in the Union army alone reached the appalling aggregate of 359,000. But the suffering and peril of the men in the field, distressing as they are to contemplate, are slight in comparison with the woes and anguish of the women who are left behind. The hope that husband, brother, father, son, may be spared the tragic end which all soldiers risk, when they respond to their country's call, buoys them up in their privations and heart-breaking loneliness. But theirs is the deepest pain, for the most poignant suffering is mental rather than physical. No pension compensates for the loss of husband, son, or father. The glory of death in battle does not feed the orphaned children nor does the pomp and circumstance of war

1 August 29, 1911.

clothe them. The voice of the women of America should speak for peace.

The word *honor* is of greater significance, if possible, to women than it is to men; a woman's regard for national honor is no more inferior to man's than her regard for personal honor. If it had not been for the martial spirit imparted to the youth of the land by the women North and South during our Civil War, that contest might not have attained the proportions and been carried to the extremity, that were necessary to its decisive termination. Reports from Europe indicate that in the present war the women of France, of Germany, of Great Britain, and of Belgium are exerting a similar influence on the men. At a recent meeting in Paris of the *Ligue pour le Droit des Femmes,* the President read an appeal addressed "to the women of all nations," advocating a woman's peace congress at the Hague. It was rejected with but one dissenting voice. The sentiments of the meeting were in hearty accord with those of Mme. Marie Vérone, who said in part:

If it be thought that women can influence governments to the point of stopping the war, well, let the

German women begin. . . . We French women and feminists, who are suffering from the war as much as any other; who have in the army our fathers, our husbands, our brothers; who are in mourning for the beings who are dearest to us and tremble lest we go into mourning tomorrow, yes, we loudly proclaim: an appeal to peace will not be obtained from us so long as the enemy is on the soil of France and especially on that of Belgium; no one shall make us guilty of that cowardice or that treason.

At the Congress which was held at the Hague, a resolution declaring that the extension of the franchise to women would make for permanent peace, called forth, from an English working woman, the rejoinder that unless women were educated, they would support war as ardently as men, as in fact, thousands of them were then doing in the belligerent countries. Another speaker was ruled out of order on relieving herself of the following sentiments:

I am just a plain English working woman, but I represent millions of women who favor the present just war as much as do the men. One hundred and eighty women are said to be waiting at Tilbury to come to this congress to talk peace. For every one of those, a thousand English women are willing to

accompany their sons and husbands to fight. We are tired of such century-old silly platitudes as are uttered here.

It is not only in time of war that women suffer more than men. Because they suffer more in time of peace, they are prepared to suffer more in time of war. There is no section of the United States more interested in being prepared for war, including the readiness to face and assume all its risks, hardships and sacrifices, than the Pacific Coast, yet the men of California have extended their political franchise to women. This does not look as if they regarded the women of California at any rate, as bigoted pacifists. Warfare as a factor in human history is not to be accounted for without a reconciliation of belligerency with normal womanhood. War could not have determined the course of empire, as it has done, without the concurrence of women. An American poet has well and truly sung:

They say that man is mighty,
  He governs land and sea,
He wields a mighty sceptre
  O'er lesser powers that be;

But a mightier power and stronger
Man from his throne has hurled,
And the hand that rocks the cradle
Is the hand that rules the world.[1]

1 From the poem "What Rules the World," by W. R. Wallace.

II

ARBITRATION. PRESIDENT TAFT'S ARBITRATION TREATIES

THE proposed solutions of the Peace problem which have proved to be impracticable, were considered in the preceding chapter. Those which are undergoing or awaiting trial may be specified as follows:

1. Simple arbitration or other adjudication;
2. Adjudication with military and naval enforcement of judgments rendered;
3. Alliance of a number of powers in joint supremacy, to dictate and preserve peace;
4. Association of all the powers in a World Confederacy or World Nation.

In the days of the ancient Greeks, through the middle ages, and in our own time, the world has experimented with arbitration as a preventive of war.[1] How much longer it will take to satisfy a certain type of mind that this

1 Its early history is told in "L'Arbitrage international chez les Hellènes," by A. Raeder, and in "International Arbitration amongst the Greeks," by M. N. Tod.

agency of pacification is a failure, is one of the mysteries of what Christian scientists call mortal mind. Arbitration means the rendering of an arbitrary decision, one based upon no law, but upon the will and judgment of the arbiter and such principles as the parties agree upon and establish for his guidance. It is essentially a compromise, subject to the influence of political and military power behind the claimants. How it fails to render justice or give satisfaction may be readily illustrated.

In 1871, a treaty was concluded between the United States and Great Britain for the arbitration of all claims for injuries by either government "to the citizens of the other during the Civil War, and for the permanent settlement of all questions in dispute between the two countries." The claims of the United States were classified by its agent as follows:

1. Claims for private losses growing out of destruction of vessels and their cargoes by the insurgent cruisers;

2. National expenditures in the pursuit of those cruisers;

3. Transfers of American shipping to the British flag;

4. Enhanced payments of insurance;

5. The prolongation of the war and the addition of a large sum to the cost of the war.

Great Britain refused to recognize any but the first two classes as proper subjects of arbitration; she rejected the last three, on grounds which may be summed up as political considerations, and was sustained in such action by the Tribunal of Arbitration.

In declining Colombia's proposition to submit its difference with the United States over its loss of Panama, to arbitration, our Secretary of State remarked:

> . . . The questions presented in your "statement of grievances" are of a political nature, such as nations of even the most advanced ideas as to international arbitration have not proposed to deal with by that process. Questions of foreign policy and of the recognition or non-recognition of foreign states are of a purely political nature, and do not fall within the domain of judicial decision.[1]

The present Anglo-German war is the culmination of a traditional rivalry between the Slav and Teutonic races, which has been manifesting itself by a competition between Aus-

[1] Hay to Reyes, January 5th, 1904.

tria-Hungary and Russia for political supremacy in the Balkans. Servia favored Russia. This led, on both sides of the Servian frontier, to acts committed by Servian agitators, which injuriously affected the industrial and financial conditions, as well as endangering the stability and territorial integrity of the Austro-Hungarian monarchy. Against such agitation Austria-Hungary proceeded to protect herself, first by diplomacy and then by force. She thus came into position to gain a permanent political advantage over Russia. How far could she go in this direction? Great Britain proposed that she submit the question to a conference of the powers. Austria could see no object in such a proposition, except to commit her to concessions which no law or international obligation required her to make. She accordingly declined the proposition, and fell back on the arbitrament of war.

There is no kind of international dispute that may not take on more or less of a political character.

As to the problem of determining the nature of the controversy, it would seem that it is a question of attitude of mind rather than a question of kind.

In short, that which signifies is less the intrinsic character of the dispute than the complexion the dispute takes on by reason of the States which are parties to it, and of the circumstances which have brought it up. A controversy plainly judicial may degenerate into a political controversy the moment national honor becomes involved. The desertions at Casablanca constitute a striking case in point. Reciprocally, a question of influence and domination may be made to turn upon a question of law which will be found included in it, if peaceful intention on the part of the states concerned incline them to deprive the dispute of its political character. This is what happened in the Boutres of Muscat case.[1]

A question being partly judicial and partly political, how shall it be considered, justiciable or non-justiciable? In the classification of people as white or colored, it is a common practice to consider that any trace of colored blood makes a person colored. Our only safe assumption is that the slightest tincture of policy may suffice to make a difference political, or non-justiciable. Hence no general arbitration treaty is safe that amounts to anything more than an agreement to arbitrate when one sees fit to; such an agreement as President Taft says, "is a pact written in water and might as

1 "The Work of the Hague Court," by N. Politis, p. 14.

well not have been made." [1] It is only because they fulfill this condition that our general arbitration treaties ratified in 1914 can be justified. They except from arbitration cases affecting "the vital interests, the independence, or the honor, of the two contracting parties." Who will define these exceptions? The Hague conference has made no attempt to do so.

> The question was suggested, but the delegates decided that every nation should settle for itself whether the particular dispute at issue came within the prohibited class. The effect of this ruling, as was pointed out at the time, was simply to destroy any scheme of arbitration that might be adopted. . . . I defy any one to suggest any dispute that might conceivably arise between two nations that cannot be interpreted as affecting its independence, its vital interests, or its honor.[2]

At the Second Hague Peace Conference held in 1907, a convention was concluded for the Pacific Settlement of International Disputes. Since then, the Anglo-Boer war; the intervention of Great Britain, Italy, and Germany, in Venezuela; the Russo-Japanese war; the Italo-

1 "Woman's Home Companion," Aug. 29, 1911.
2 "International Arbitration and Procedure," by R. C. Morris, p. 88.

Tripolitan war; the Balkan wars; and the present Anglo-German war, have taken place. Every one of them is said to have violated some or all of the following provisions of that convention. The italics are mine:

Article I

With a view to obviating *as far as possible* recourse to force in the relations between States, the Contracting Powers agree to use their best efforts to ensure the pacific settlement of international differences.

Article II

In case of serious disagreement or dispute, before an appeal to arms, the contracting Powers agree to have recourse, *as far as circumstances will permit*, to the good offices or to the mediation of one or more friendly powers.

Article III

Independently of this course, the contracting Powers deem it expedient and desirable that one or more Powers, strangers to the dispute, should on their own initiative, and *as far as circumstances may permit*, offer their good offices or their mediation to the conflicting states.

Qualified as they are by the words in italics, these agreements are "writ in water." If they were not, they would not have been adopted in the Conference, say nothing of being ratified by the Powers. Their violation is practically impossible. For the United States, even this was not enough. In its ratification of the convention, it included the following reservation:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions of policy or internal administration, of any foreign state—nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of its traditional attitude towards purely American questions.

It was argued in the Senate that the question of Panama Canal tolls was not a proper one for submission to the Hague Court. "It would not be possible," said a U. S. Senator, "to get a fair and unbiased court. I would as soon submit the case to Great Britain herself."

The court might be unprejudiced and disinterested as to the issue, but influenced by a bias of tradition and education. It might be uncon-

sciously partial, unintentionally unfair. Any observer may satisfy himself that European thought on Anglo-American questions is influenced and shaped by Great Britain more than it is by the United States. Among the causes of this fact, are the following:

1. Great Britain is a European country, which inclines the people of Europe to side with it against a non-European country;

2. The greater age of the British nation as compared with the United States, its correspondingly longer association—diplomatic, commercial, and military—with the nations of Europe, its dynastic relations with them, its superior literature, all combine to give it a prestige which may be overestimated, but which Americans who have not lived in a European atmosphere are apt to underestimate;

3. The relative proximity of Great Britain as compared to the United States. This gives Great Britain advantage in competing with the United States for a hearing in European circles. If a lecture or a newspaper article or even a book, on some Anglo-American question, is wanted in Paris or Berlin or St. Petersburg, it is easier and cheaper to get it from

London than from New York or Chicago. If a French or German investigator wants to study an Anglo-American question from original sources, or discuss it with people specially informed upon it, he can do so at a less cost of time and money just across the channel than he can across the Atlantic. To learn English, a continental European naturally goes to England, and while acquiring the language, adopts or absorbs more or less of the prejudices, of the country;

4. The fact that most of the news that reaches the continent of Europe from the United States, or vice versa, is transmitted through British offices in London and more or less censored or sifted according to British ideas;

5. The greater dignity of the British press as compared with the American. Europeans have a regard for form, for appearances, for externals which the people of the United States have not. The European press is distinguished from that of the United States by more correct and proper language and a calmer and apparently more judicial tone. On this account, Europeans read the British papers in preference

to the comparatively sensational papers of the United States, and think that they are getting, not only better literary pabulum, but also correspondingly reliable news and judgments. They do not reflect that ignorance and prejudice are only more pernicious and insidious for being displayed in the guise of truth and justice. Their preference for the more scholarly representations of the British press is very much the same psychological phenomenon as their fancy for a wig or a queer looking cap and gown on a judge, and for gaudy trappings on a soldier or other official. This vagary is none the less deprecable for its having spread to America and infected the thought of some of our most intelligent people;

6. On the continent of Europe the British have been more numerous than the Americans.[1]

[1] According to figures furnished me by Mr. Jacques Bertillon, "Chef des Travaux statistiques de la Ville de Paris," and M. Lucien March, "Directeur de la Statistique générale de la France."

BRITISH SUBJECTS AND CITIZENS OF THE UNITED STATES IN CERTAIN COUNTRIES, WINTER OF 1900-1901 [1]

COUNTRIES	BRITISH	UNITED STATES
France	36,948	6,155
Germany	16,173	17,848
Italy	4,038	2,907
Spain	7,759	438
Portugal	2,292	646
Sweden	228	422
Luxembourg	44	18
Norway	909	3,648
Totals	66,475	32,085

For Austria and Belgium, I obtained the following figures, also for the winter of 1900-1901:

COUNTRIES	BRITISH	AMERICAN [2]	OTHER FOREIGNERS
Austria	2,645	2,482	
Belgium	5,748		1,966

and for Germany on the 1st of December, 1910:

COUNTRY	BRITISH	UNITED STATES
Germany	18,319	17,512

[1] Except those in France, the census of which was taken on the 24th of March, 1901.
[2] Including Latin-American.

For the two great centres of thought on the continent of Europe, the figures are:

	PARIS [1] March 24, 1901	BERLIN Dec. 1, 1910
British	10,850	1,514
United States	8,665	702

The conclusion to be drawn from these figures is confirmed by the relative showing made by the British and American press. Paris supports the following British and U. S. periodicals:

BRITISH

1. *The Daily Mail* (Paris edition).
2. *The Financial News* (Edition continentale).

UNITED STATES

The New York Herald (Paris Edition).

Paris supports also *The American Register and Anglo-Colonial World* (Paris edition published in London). This publication is about

1 "Résultats statistiques du Recensement général de la Population," (1901), Tome IV.

equally British and American. Counting it as both, we have 3 British publications to 2 American.

Some indication as to the relative amount of British and United States literature consumed in France is afforded by the number of works of British authorship and the number of United States authorship published or republished in France, either in English or translated into French, during a given period. For the year 1912 the figures were as follows:

British	82
United States	12[1]

The number of volumes of British and U. S. authorship exposed on the open shelves of the *Bibliothèque Nationale* I found by actual count, in 1913, to be about as follows:

British	728
United States	41

[1] These figures were determined approximately from the "Table Systématique," and the "Table Alphabétique, de la Bibliographie de la France," the "Publisher's Weekly," "Who's Who" (British and American), and information obtained directly from publishers and authors. They comprise only works appearing in English or in French translation, not works published in French.

7. Referring to times of peace, it is safe to say that the British people in continental Europe are, on an average, more seriously disposed than the Americans. A larger proportion of them are bent on business or study, more of them are settled in the country. The Americans are generally going through Europe on pleasure. The consequence is that the British get closer to the people, become better acquainted with them, and make more impression on them. Many Americans come to Europe with more money than they need; they spend it ostentatiously, and so frighten away the thrifty Europeans, giving them an unfavorable impression of Americans.

The Court of Arbitration on the Alabama Claims, appointed under the Treaty of Washington, having browbeat the United States into virtual renunciation of its indirect claims, finally awarded it the sum of $15,500,000 on account of its direct claims, but none of the $2,445,000,000, more or less, that were due it under the terms of the Treaty, for indirect damages. The Court on the Fishery Questions, appointed under the same treaty, obliged the United States "to pay in money and remitted

duties $9,700,000, for fishery rights that were not worth a half million."[1]

The overcharge of $9,200,000, or more, was practically a deduction from the fifteen and a half million allowed on account of the Alabama Claims, which reduced that award to a paltry $6,300,000 or less.

Arbitrators, however, are not taken exclusively from Europe. They may be taken from America. If from British America, they would be as obnoxious on the score of bias as if taken from Europe; if from Latin-America, they might be trusted to judge the United States without prejudice. Intellectually and socially, Latin-America sympathizes with Europe more than it does with the United States, and the United States sympathizes with Europe more than with Latin-America. But politically, this is not the case.

The intellectual and social feeling is reflected in European travel. The people from the United States and from Latin-America travelling or residing in certain countries of Europe in 1900 numbered about as follows:

[1] "American Diplomatic Questions," by J. B. Henderson, Jr., p. 518; "Army and Navy Journal," Jan. 30, 1897.

From U. S.....32,082
" Latin-America.....24,214[1]

In comparing the numbers, it should be considered that the population of Latin-America is not 4/5 that of the United States; that a larger portion of it is not by culture or financial means equipped for travelling; and that the means of transatlantic travel is not as good between Latin-America and Europe as it is between the United States and Europe.

It is interesting to note the difference in Paris between the Latin-American colony and the U. S. colony as regards the press which it supports. As against two United States papers published in or for Paris (*The New York Herald* and *The American Register and Anglo-Colonial World*), the following publications are to be credited to Latin-America:

1. *La Revista de América.*
2. *Le Courier du Brésil.*
3. *Le Brésil.*
4. *Le Bulletin Officiel* (du bureau de Renseignement du Brésil).
5. *L'Argentine.*
6. *L'Argentine Economique.*

1 Appendix C, p. 246 "Post."

7. *Le Courrier de l'Argentine.*
8. *Le Buenos Ayres Herald.*
9. *Mundial.*
10. *Elegancias.*[1]
11. *Ariel.*[2]
12. *La Révolution au Mexique.*[3]

A weak point of arbitration which has been little reckoned with, was alluded to by Hon. J. A. Kasson, former United States minister to Austria and to Germany, in an address which he delivered before the United States Naval War College in 1896, when in reference to "the ideal of a permanent court of arbitration," he spoke of "the differing views of law and justice in which the lawyers are trained in the various countries from which the members of such a tribunal must be chosen; and the dependence of such judges in several countries upon political direction." The American principle of separation of the fundamental powers of government (legislative, executive, and judicial), is not generally accepted and acted upon in the

1 An organ of fashion. I have omitted from this list, publications which, though treating of Latin-American affairs, appear to be under the management and devoted to the interests, of Europeans rather than of Americans; similarly with respect to lists of United States and of British periodicals.

2 An organ of Free Art.

3 Organ of the Constitutionalist party in Mexico.

governments of Europe. In the continental countries the interests of the State are theoretically and practically superior to those of the individual; the individual still exists for the state rather than the state for the individual; an action at law between a private party and a public official is not a trial between two equals to be decided according to law and justice common to both, but a conflict of interest to be settled, more or less independently of law and justice, in accordance with public policy.

In France therefore there is one law for the citizen and another for the public official, and thus the executive is really independent of the judiciary, for the government has always a free hand, and can violate the law, if it wants to do so, without having anything to fear from the ordinary courts. . . . I have dwelt at some length on what, from an Anglo-Saxon point of view, may well be called the legislative and judicial powers of the executive in France, because these things are entirely foreign to our political ideas and experience, and because they exist in some form in almost every country on the continent of Europe.[1]

It would be strange if lawyers practising un-

1 "Government and Parties in Continental Europe," by A. L. Lowell, pp. 47, 58, 64.

der such conditions as these should not, on occasion, mistake a consideration of political expediency for a principle of justice.

It is unnecessary to remind people of the United States of the servility with which judgment waited upon interest in the *ante bellum* discussion of states' rights and secession; how practically all the trained jurists north of Mason and Dixon's Line construed the Constitution so as to prohibit secession, and those south of it construed the same document so as to allow it. Giving a judge a life appointment with a good salary makes him practically proof against the pressure of political and personal influence, by placing him above party and personal interests; but what arrangement will place a man above national interests? We may continue to have judges of no political party; we can not, at this stage of the world, have them without a country. In the fairest-minded of them the national bias will be more or less a factor of injustice.

L. Oppenheim, the distinguished British authority on so-called International Law, brought out in 1912 a new edition of his great work. In its preface, he makes this observa-

tion: "The discredit which International Law concerning War and Neutrality suffers in the minds of certain sections of the public is largely due to the fact that many writers have not in the past approached the subject with that impartial and truly international spirit which is indispensable for its proper treatment." Under the head of Spies, Mr. Oppenheim considers the case of Major-General André and says of him that "he was not seeking information and therefore not a spy." Mr. Oppenheim must know the essential facts of André's case; that he was caught with a plan of the works of West Point on his person, and that he was going with it towards the British headquarters as fast as he could travel. Nothing, it would seem, can account for the assertion that he was not a spy, except a lack of "that impartial and truly international spirit" which is pronounced by the author to be indispensable to the proper treatment of his subject.

A striking instance of national bias in a matter of scientific observation and judgment grew out of the treaty relating to fur seals in the Bering Sea, concluded between Great Britain and the United States in 1892. Pursuant to

this treaty two commissioners were appointed by each government.

With full instructions to investigate thoroughly the conditions of seal life and to ascertain what permanent measures were necessary for the preservation of the fur-seal species in the North Pacific Ocean, the joint commission proceeded to Bering Sea and set to work gathering material for the use of their respective governments in the arbitration trial to be held in Paris. It is not a little remarkable that side by side, four scientists prosecuting the same line of inquiry, considering together the same evidence, and reading together the same incontrovertible facts, should have arrived at such widely different conclusions. The impartial observer must yield to the suspicion that the conclusions of the commissioners were colored by a desire to further the interests of their countries and that their scientific investigation had not been wholly free from a trace of diplomacy. The American commissioners found overwhelming evidence to establish in their minds beyond all questions of doubt, the fact that the seal herd had greatly diminished in size and that such condition had been chiefly brought about by the destructive practice of pelagic sealing. They consequently recommended its entire suppression. Subsequent history has proved the correctness of these conclusions, and it is to be regretted that the case in Paris was complicated by the radically differing report of the British commissioners. They, on the other hand, somewhat begrudgingly admitted a falling off in seal life, for which circumstance they insisted that the killing on the islands

by the American company was the main cause, and they also discovered that pelagic sealing, in itself, was not necessarily destructive to the herd.[1]

Such citations do not prove that arbitration is necessarily unfair, but they belie the loose talk in which the term "fair" or "impartial" is recklessly coupled with every reference to a tribunal of arbitration. The particular frailty which they illustrate is understood by our State Department.

Not only has the United States opposed the acquisition of territory and political power on the part of European powers in America, but even the reference of purely American questions to European arbitration. That "American questions are for American decision" is now a well established rule of American diplomacy.[2]

It is asserted in favor of arbitration that the war of 1812 failed to settle the question for which it was fought, because such settlement was not expressed in the Treaty of Ghent by which the war was formally closed (1815). We did not fight the war of 1812 to get a par-

1 "American diplomatic Questions," by J. B. Henderson, Jr., pp. 33, 34.

2 "The diplomatic Relations of the U. S. and Spanish America," by M. Latané, p. 271.

ticular prohibition into a treaty, but to secure a respect for our flag that would afford protection to our sailors. It is asserted that Great Britain's desisting after the war of 1812, from the practice of searching American ships for British sailors was due, not to any impression made upon her by the war, but simply to the fact that "after the conclusion of the great Napoleonic wars it never was necessary for her to fill her ships of war."[1] It is thus admitted that Great Britain's change of conduct was not due to consideration for the rights of the United States nor to arbitration, it is implied that on the recurrence of a Napoleonic war Great Britain would have resumed her violation of American rights. How long she would have kept it up on a second trial, is beside the question. If she was not deterred from such action by war, she was not and never has been, deterred from it by a proposition or an obligation to arbitrate. The great lesson of the war of 1812, and of the present one, is not the inefficacy of war nor the efficacy of arbitration, but the misfortune, the folly, the crime, of being unprepared for war.

[1] Justice Riddell, Supreme Court of Ontario, in "Army and Navy Journal," June 7, 1913.

From 1861 to 1865, we fought for the principle of Union against the principle of Secession. At the close of the war we made no treaty with the South or amendment of our constitution, prohibiting secession. Does anyone doubt that the question of secession was settled by that war?

Nations should resort to arbitration, not to secure justice, but to avoid war when the point in dispute is not worth a war; in other words, when injustice is preferable to war. If arbitration treaties are not to be discredited by being broken, they should not apply to differences, the settlement of which, one way or the other, is worth fighting for. Such a difference would be created by any question raised with the United States as to the validity of the Monroe Doctrine. This dictum of ours is not recognized in Europe as a principle of so-called International Law.

I am aware that in making this statement I am traversing such eminent authority as Alejandro Alvarez, who says: ". . . If formerly this [Monroe] Doctrine met with opposition in Europe, it has long been expressly recognized by several States, notably by England,

and tacitly by others."[1] The arguments and authorities with which he supports these statements are not convincing. What European sympathy the United States enjoys in its maintenance of the Monroe Doctrine seems to come to it as did the sympathy shown it during its great Civil War, from the masses of the people, embracing the possible emigrants or friends of emigrants, to the United States. The sense of the foreign offices and the experts in so-called International Law may be considered as reflected in the following remarks of the distinguished Privy Councillor of St. Petersburg: "According to my conviction the Monroe Doctrine is neither a principle of International Law nor an axiom of justice. It is but a political means to the attainment of political ends. From this point of view, the Monroe Doctrine may have immense importance for the political aspirations of American statesmen. But it has not the least obligatory force for European nations, for which it will never be either a principle of law or a rule of justice." [2]

We would not consent to submit to arbitra-

1 "Droit international américain."
2 "Par la Justice vers la Paix," by G. de Martens, pp. 13, 14.

tion any case involving the maintenance of this fundamental principle of our foreign policy. Among the possible cases of this kind are three of particular interest. They relate to the acquisition, by any great non-American power, of any one of the three following territories: Magdalena Bay, on the West Coast of Mexico; the Galapagos Islands, belonging to Ecuador, and near the Pacific mouth of the Panama Canal; and Curaçao, belonging to Holland, and near the Atlantic mouth of the Canal. In any one of these cases, such a treaty, if ratified, would be violated by the refusal of the United States to arbitrate.

President Taft's Arbitration Treaties

On the 22nd of March, 1910, President Taft delivered an address which created a national and international sensation by its enunciation of a new and startling proposition respecting the settlement of international disputes. He said:

> I do not see any more reason why matters of national honor should not be referred to a court of arbi-

tration than matters of property or matters of national proprietorship. I know that this is going further than most men are willing to go; but I do not see why questions of honor may not be submitted to a tribunal supposed to be composed of men of honor who understand questions of national honor, and then abide by their decisions, as well as any other question of difference arising between nations.

About three months later his Secretary of State, Mr. Knox, at the commencement exercises of the University of Pennsylvania, said:

We have reached a point where it is evident that the future holds in store a time when war shall cease; when the nations of the world shall realize a federation as real and vital as that now subsisting between the component parts of a single State.

During the first seven months of 1911 negotiations were carried on with the governments both of Great Britain and of France, on the subject of a type of arbitration treaty "the negotiation of which the United States would be prepared in general to discuss with any powers interested." The German government was made aware "that the same proposition was naturally open in case that government hap-

pened to be also interested."[1] On the 3rd of August, 1911, two treaties, one with Great Britain and one with France, were signed by the respective plenipotentiaries, and on the 4th, were transmitted by the President to the Senate, to receive its advice and consent to their ratification. On the 5th, they were read and referred to the Committee on foreign relations; at the same time the injunction of senatorial secrecy was removed and they were given to the public. I make no apology for presenting them here practically in full.

Treaty with Great Britain[2]

The United States of America and his Majesty, the King of the United Kingdom of Great Britain and Ireland, and of the British dominions beyond the seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has

1 Mr. Foster, "Cong. Rec.," vol. 47, no. 111, p. 4494.
2 "Sen. Doc.," no. 98, 62 Cong., 1 Sess., p. 38.

been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for, so that now, for the first time, there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship.

The High Contracting Parties have, therefore, determined in furtherance of these ends, to conclude a treaty extending the scope and obligation of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions in that treaty, and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective plenipotentiaries:

The President of the United States of America, the Hon. Philander C. Knox, Secretary of State of the United States, and His Britannic Majesty, the Right Hon. James Bryce, O. M., his Ambassador Extraordinary and Pleni-

potentiary at Washington, who having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Article I

All differences hereafter arising between the High Contracting Parties which it has not been possible to adjust by diplomacy, relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the convention of October 18, 1907, or to some other arbitral tribunal, as may[1] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal, if necessary, to define the scope of the powers of the arbitrators, the question or questions at is-

1 Changed to "shall."

sue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the convention for the Pacific Settlement of International Disputes, concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by, the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's government reserving the right, before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British empire, to obtain the concurrence therein of the government of that dominion. Such agreements shall be binding when confirmed by the two governments by an exchange of notes.

Article II

The High Contracting Parties further agree to institute, as occasion arises and as hereafter provided, a Joint High Commission of Inquiry, to which, upon the request of either party, shall be referred for impartial and conscientious investigation, any controversy between the parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them, even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission

of Inquiry for the purpose of such reference; or, the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission, and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the convention for the Pacific Settlement of International Disputes, concluded at the Hague on October 18, 1907, so far as applicable and unless they are inconsistent with the provisions of this treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

Article III

The Joint High Commission of Inquiry instituted in each case, as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such rec-

ommendations and conclusions as may be appropriate.

The reports of the Commissions shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry, and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.][1]

Article IV

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction, under this treaty; and the High Con-

[1] This paragraph (in brackets) was rejected by the Senate.

tracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the Commission.

On inquiry, both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

Article V

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appoint-

ment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as may be deemed advisable. The salaries and personal expenses of the Commission and of the agents and counsel of the secretaries, shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

Article VI

This Treaty shall supersede the arbitration treaty concluded between the High Contract-

ing Parties on April 4, 1908, but all agreements, awards and proceedings under that Treaty shall continue in force and effect, and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

Article VII

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously, unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate, and have hereunto affixed their seals.

Done at Washington, the third day of Aug-

ust, in the year of Our Lord one thousand nine hundred and eleven.

PHILANDER C. KNOX,
JAMES BRYCE.

I certify that the foregoing is a true copy of the original treaty this day signed.

PHILANDER C. KNOX,
Secretary of State.

August 3, 1911.

The text of the French treaty is practically identical with that of the British treaty.

A majority of the Senate committee on foreign relations took exception to both treaties as unconstitutional and impolitic. This led to a strenuous campaign on the part of those who believed in them, to prevent effective opposition to them in the Senate.

President Taft, in the course of a political tour through the country, made a number of speeches in support of them. On the 7th of September, appealing at Hartford, Conn., to 50,000 people, he said:

In this great movement we are the hope of the

world. This hope, by the proposed narrow construction of the Senate's power to make a treaty, we are now to strike down. To the men and women who are struggling and longing, we say: "Look not to us for leadership. We can not even follow. Let other nations arbitrate; let others even set up a high court of nations and pledge their faith that they will resort no more to the dread arbitrament of war, but will abide by the verdict of their chosen judges. The great American nation is unable by its Constitution to help forward the great movement, is unable to bind itself to any future broad submission of its case to an arbitral court, though the whole world follows this light of civilization and peace.

Well-meaning laymen vied with the clergy and with one another in stirring up the people to cooperate in bringing the Senate, willingly or unwillingly, by persuasion or intimidation, to advise and consent to the ratification of the Treaties. A few level-headed editors spoke out clearly and positively for a calm and sensible treatment of the matter. But the press generally seemed to be stampeded by President Taft's peace-at-any-price arbitration policy.

The New York *Independent* showed the sort of independence for which it stood by publishing a letter threatening with loss of office all Senators who should fail to advise ratification.

We warn you [it bumptiously declared] that the country is in no mood to stand any unnecessary quibblings over Senatorial precedences. You will be held individually and collectively responsible, if you attempt to put your dignity above the cause of the world's peace. . . .

The Senate's attitude was attributed by many papers to mere selfish regard for Senatorial prerogatives. The San Francisco *Chronicle* asserted that virtually all the opponents of unrestricted arbitration were concerned with the production or use of materials of war. Senator Lodge, in his masterful speech, which will be referred to again, made short work of such slanders:

"If Senators feel," he said, "that these treaties, like all treaties, should be carefully scrutinized and that it would be wise to amend them, they do so from a high sense of the duty imposed upon them by the Constitution, and are well aware that in the performance of this duty they expose themselves to misrepresentation, misconstruction, and much ignorant abuse . . . The assumption that excellent but wholly irresponsible persons are more concerned about the preservation of peace than Senators who

are charged with the heavy responsibility of peace and war may, I think, be described as unfounded, if not unwarranted."

Dr. Nicholas Murray Butler, President of Columbia University, arranged for a mass meeting, which was held in Carnegie Hall, New York, on the 12th of December, 1911, Mr. Joseph H. Choate in the Chair. Having in a short preliminary talk set forth the purpose of the Treaties, Dr. Butler offered a resolution, or as he termed it, a declaration, worded as follows:

This mass meeting of citizens of New York assembled in Carnegie Hall on Dec. 12, 1911, records its emphatic approval of the treaties of general arbitration proposed to be entered into between the United States and Great Britain and France, respectively, as signed at Washington on August 3, 1911, and transmitted to the United States Senate by the President with the urgent recommendation that they be ratified.

We share the feelings of satisfaction and enthusiasm with which these treaties have been hailed by the governments and the people of Great Britain and France. We believe that an overwhelming majority of the American people share these feelings. . . .

We earnestly request the Senate to consider and ratify these treaties at the earliest practicable moment. We urge the Senators from the State of New

York to give the fullest possible effect to what we believe to be the substantially unanimous opinion of the citizens of the State in favor of these treaties.

We authorize and request the Chairman of this meeting to transmit a copy of this declaration to the Senate and to the Senators from the State of New York individually.

The desire for ratification thus impressively attributed to the people of the United States in general and of New York in particular was vociferously repudiated by the audience. The meeting broke up under an avalanche of protests against the declaration. This is what may be expected in a free country when a minority of the public ostentatiously undertakes to speak for the whole of it.

Irresponsible demonstrations had done about all that they could to help the cause of ratification, and were contributing more and more to the injury of it, when a quietus was put upon them by the action of the national government. On the 29th of February, 1912, the Senate, in open executive session, proceeded to the consideration of the arbitration treaties. Senator Lodge proved himself a worthy successor of Webster, Clay, Douglas, and Sumner, as he held up to the reprobation of a full

house and crowded gallery the attempts made by persons outside of the Senate to force their views upon that body. As indicative of the Senate's disposition towards arbitration in general, he mentioned the fact that it had, in its history, ratified 83 treaties of arbitration and rejected but 1, and that in 1890 it passed a resolution requesting the President "to invite from time to time as fit occasions may arise, negotiations with any government with which the United States has or may have diplomatic relations, to the end that any differences or disputes arising between the two governments which cannot be adjusted by diplomatic agency may be referred to arbitration and be peaceably adjusted by such means. To the policy embodied in that resolution, he added, "the Senate has adhered ever since."

With this introduction he proceeded to set forth the objections to ratification. The treaties projected for Great Britain, France, and Germany were virtually alike. The one for Great Britain may therefore be considered as typical of the three, and unless otherwise indicated, will alone be referred to hereafter. In Article I of this treaty is a phrase which pur-

ports to describe its scope as "differences arising by virtue of a claim of right, that are justiciable according to the principles of law and equity."

. . . A claim, said Senator Lodge, to be a claim at all, in a "just, juridical sense," must be a claim of right, or more simply, a legal claim, which does not differ in essence or principle from the plain and easily understood words, "differences which may arise of a legal nature," as used in the twenty-five general arbitration treaties which we now have with twenty-five different countries. . . .

We are, however, entirely in the dark as to the meaning which the Hague Court or a special arbitral tribunal or a high commission of inquiry might give to the word "justiciable," and for any one to declare with an air of finality that it means this or that is merely an expression of the individual opinion of the man who attempts to furnish the definition.

We are equally destitute of any authoritative definition or determination as to the significance of the words "law or equity" in this international connection. Equity as a system, such as is known to us, is peculiar to those countries which have grown up under the English common law, and has no parallel among those other nations which have grown up and developed their institutions under a system of jurisprudence derived from Rome. . . .

Therefore, the limitation placed by Article I upon arbitrable questions is entirely undefined. No one knows and no one can know how tribunals of the future may construe these words.

The term *justiciable* was borrowed by Secretary Knox from language used by Chief Justice Fuller in expressing the opinion of the Supreme Court in a case of controversy as to water-rights between the states of Kansas and Colorado.[1] The treaty itself interprets the word to mean "susceptible of decision by the application of the principles of law or equity" —not of a particular law or equity, but of any law or equity, temporal or spiritual, past, present, or to come.

In an address at Ocean Grove (Aug. 7, 1911), President Taft said:

> When we agree that we will submit all justiciable controversies to the judgment of an arbitration, and decline to allow anybody to decide what is justiciable, except ourselves, we give little sanction or pledge in advance of our willingness and anxiety to settle all possible controversies by arbitration.

But the ostensible purpose of the Treaty was to settle only "justiciable" controversies by arbitration. Why should it pledge us "to settle *all possible* controversies by arbitration" un-

[1] "The United States and Peace," by W. H. Taft, p. 105.

less justiciable meant "all possible." In his Chautauqua speech, he said:

> By this treaty, if it is ratified, the Executive and Senate, representing the United States, agree to settle all their differences, as described in the treaty, by arbitration.

The function of the commission was virtually to give a meaning to Article I of the Treaty and then decide whether particular questions referred to the commission came within that meaning. The Senate has in former treaties agreed to abide the result of arbitration in certain classes of cases, but it has never agreed to leave to arbitration the determination of the classes of cases to be arbitrated. The minority of the Senate Committee dissented from the view that the term "justiciable" required definition, but in case it did, suggested as a remedy not involving erasure of the third clause of Article III, the amendment of the Treaty by a declaration that:

> . . . The treaty does not authorize the submission to arbitration of any question which depends upon or involves the maintenance of the traditional

attitude of the United States concerning American questions or other purely governmental policy.

This understanding applies to the "traditional attitude of the United States," but would be of no effect as to any new attitude which new questions of world policy might impel it to take.

Senator Burton suggested, if preferable thereto, the specific exception of questions not regarded as justiciable. The inadequacy of this remedy results from the impossibility of foreseeing and therefore of specifying, all such questions.

The last clause of Article III provided that every justiciable difference should be submitted to arbitration in accordance with a "special agreement," or treaty, which on the part of the United States, should be made "by and with the advice and consent of the Senate." These provisions gave rise to serious doubt as to the meaning of the final words: . . . "it shall be referred to arbitration in accordance with the provisions of this treaty." Did this clause oblige the Senate to give its advice and consent, or

did it leave it free to withhold its advice and consent, to arbitration? It was answered both ways.

President Taft held that it committed the Senate to arbitration. He was not very consistent, however, on the subject, and seemed trying to secure the political advantage of Secretary Knox's interpretation, which was opposed to his, while getting the credit as a pacifist for his own.

In an appeal to the Chautauqua (Aug. 7, 1911), he said:

> Should the Treaty be ratified, the Senate, exactly as the Executive, will be in honor bound by its obligations, in good faith to perform the offices which the main treaty provides shall be performed on the side of the United States.

But he also said:

> . . . I observe that there is some suggestion that by ratifying the treaty, the Senate may in some way abdicate its function of treaty-making. I confess myself unable to see the substance in such a point.

How could the Senate bind itself to accept the decision of the Joint High Commission,

without renouncing some of its functions in the treaty-making process?

Secretary Knox construed Article III as providing only for an opinion or recommendation, not for a decision. His interpretation was the best one by which to commend the treaty and secure its ratification; President Taft's was the best for the cause of World Peace; in other words, the Secretary's was the best for use before ratification and the President's the best for use afterwards.

As interpreted by Secretary Knox the treaty was constitutional, as interpreted by President Taft it was unconstitutional. The President could hardly afford to recognize this fact, and he did so only in a vague, indirect way. He said or implied that Article III deprived the President of constitutional powers just as much as it did the Senate, to which Senator Lodge aptly replied: "If this be true, it only makes the case more serious." The President argued that, if he was willing to part with some of his treaty-making power, the Senate should be willing also.

> It is my duty, he said, to be as careful not to give

up any power entrusted to me by the Constitution and not to yield to any encroachment upon it, as the Senate ought to be in respect of its constitutional faculties. Charged as I am with this duty of guarding executive power, I cannot, for the life of me, see any improper parting with any power in the making of these treaties.[1]

He could not see any improper parting with power, but implied that there could be and was in this case, a proper parting with power. His position would have been justified, if a treaty could make an unconstitutional act constitutional. But it cannot. The "governmental authority" to which he refers cannot be "properly delegated." The sovereign power of the United States resides in the people. The government has so much of it as the people have granted it and no more. The people have entrusted to the Senate the power to approve or disapprove of treaties; they have not empowered it to transfer or delegate that power. The Treaty undertook to abrogate or impair one of the most important functions of the Senate, to alter the Constitution. The amendment of the Constitution is not entrusted to the treaty-

1 "Woman's Home Companion," Aug. 29, 1911.

making power. It is a prerogative of the people.

The action finally taken on the Treaty was to carry out the recommendation of the majority of the Committee, and make an appearance of accepting the suggestions of the minority;[1] it eliminated Article III and adopted the resolutions which were proposed against such elimination. The prevention of the evils of the original Treaty was thereby doubly assured. Being thus, as the Peace people said, "emasculated," the Treaty could be safely ratified. But neither government has seemed to want it in that form, for it has never been ratified.

The partisans of the Treaty were incensed.

[1] By the adoption of the following resolution:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in the future to settle by diplomacy, with the following amendments in the first clause of the first article:

Strike out "may" and insert "shall."

Strike out clause 3 of Article III.

Provided that the Senate advises and consents to the ratification of said treaty with the understanding to be made a part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States or concerning the question of the alleged indebtedness or moneyed obligation of any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions commonly described as the Monroe Doctrine or other purely governmental policy.

The ratification press teemed with indignation; and honored the Democratic party by laying the rejection of the Treaty to its representatives in the Senate. *The Nation,* lamenting the Senate's depravity, scored it for presuming to act in disregard of popular clamor.

"What inducement," it said, "will the people have, to give full power to men who show themselves so selfish and so mulishly wrong? . . . . That this disappointing course of the Senate is in absolute misrepresentation of the wishes of the great majority of the people of this country we have no manner of doubt."

The presumption of those visionaries who posed as exponents of a nation-wide movement for ratification has been impressively shown by the omission of every mention of the arbitration treaties from the national platforms of the two great political parties in the Presidential election of 1912. Not only was there no mention in them of these documents, there was not a reference in either of them to the subject of international arbitration or of world peace. That world peace is not the first desideratum of our people is shown by the attitude which many of them are taking, in the present war,

towards the furnishing of arms and other contraband supplies to the belligerents. They have good reason to believe that the war could be brought to an early end by our ceasing to furnish such material. They should know that the war lessens or dislocates our commerce,[1] increases the cost of living among us and the number of our unemployed, reduces our immigration, impoverishes nations upon which we shall depend for business and prosperity after the war, threatens to strip our country of horseflesh and thus cripple or handicap us in our military capacity, and strews the fields of Europe with corpses that decompose unburied, generating cholera and other deadly diseases, to the peril of the human race. With all this they are satisfied because they want Great Britain to beat Germany; they would rather have the war prolonged to the advantage of Great Britain than have it shortened to the advantage of Germany.

1 During the first five months of the war our exports and imports together were smaller for each month than for the corresponding month of the year before. During the four months following the first five they were greater. For the first nine months of the war our commerce (exports and imports) was in round numbers $8,254,000,000 as against $8,295,000,000 for the corresponding nine months a year before.

III

A WORLD COURT. THE USE OF FORCE. A LEAGUE OF PEACE

It has been proposed to substitute for arbitration the proceedings of a Court of Justice, or the process of law.

An association has been formed in the United States called the *American Society for Judicial Settlement of International Disputes*, It contemplates the establishment of a permanent Court of International Justice, the successive decisions of which shall establish a Judge-made common law, as binding upon nations collectively as national and municipal law is upon nations severally.

But what are these laws of peace that the judges are to be inspired with to be? To this cardinal question no answer is given us and the fact is there is none

to give. Here everything is lacking, not only definite laws, but even the basis of such laws. . . .[1]

Justice is the application of law, and law is or should be, the will of a people. Even judge-made law, or common law, should express the collective reason and sentiment of the community in or for which the judge officiates.

A tribunal of arbitration does not become a court of justice by being composed of lawyers, who cite authorities on so-called International Law. There can hardly be a rational view of any canon of that pseudo law, for which authority cannot be alleged and cited. During the last hundred years, international lawyers have been trying to codify what is miscalled in English, International Law, but their efforts are still baffled by the impossibility of their agreeing upon what their so-called Law is. Just as the Hague Conferences began to give promise of some such agreement, a movement started up among a group of nations, to repudiate more or less of the so-called Law of the rest of the world and inaugurate one of their own. I refer to the discipleship of Alejandro

1 "La Paix perpétuelle et l'Arbitrage international," by L. Le Fur, p. 10.

Alvarez, the distinguished Chilean jurist and advocate of an American International Law. In his work, *Le Droit International Américain*,[1] which cannot be too strongly recommended to students of American policy, he says:

Not only are there on the American continent special rules of international law the *ensemble* of which constitutes the special and most important part of "American International Law," but also and on the same account, there is an Asiatic law and an African law.

. . . We have matters, like those regulated in the Hague Conference, which are really universal, since they are accepted by the whole civilized world. Others like the territorial formation of states, the free navigation of streams, have presented themselves and been settled differently, in Europe, in America, in Asia, in Africa.

Moreover, a crowd of problems present themselves on one continent and not on the others; for instance, the neutral state in Europe, hegemony in America, slavery in Africa; system of the open door, *régime* of capitulations, foreign concessions—in Asia.

The modifications which the different rules of International Law undergo in each continent, the char-

[1] Translated from the Spanish "El Derecho Internacional Americano." In opposition to this thesis, Dr. Sá Vianna has published a work entitled, "De la non-Existence d'un Droit international américain."

acteristic problems which present themselves therein, as well as the diversity of their practical application, constitute the International Law of each continent.[1]

In the great war now convulsing Europe and affecting the whole world, the two principal opponents are Great Britain and Germany, the other powers being auxiliary to these. The two groups of powers may therefore be called for short, the British and the German coalitions, and the contest, the Anglo-German War. It has suggested a new principle for this American International Law, that neutral vessels plying between American ports, shall not be subject to search in any war in which the belligerents are all non-American powers. It is not likely to receive serious and effective consideration until after the present war.

There is and for an indefinite time there can be, no world jurisprudence. It is only within the range of national affairs that law and justice are possible, for it is only within that range that there is a people. In international affairs there are peoples but there is not a people. So-called International Law, therefore, is not

[1] Alvarez, Opus cit., pp. 261, 262.

law in any proper sense of the word. Probably no misnomer in the English language is responsible for so much sophistry as this one of International Law.

Courts of justice, while they protect parties in their rights, cannot create or confer rights. Questions of conflicting policy do not come within the province of any conceivable judiciary.

This proposition may be supported with decisions by the Supreme Court of the United States. A few examples will suffice.

In the case of Foster and Elam vs. Neilson (1829), regarding the limits of territory ceded by Spain to France in 1800 and by France to the United States in 1803, under the name of Louisiana:

> The judiciary is not that department of the government to which the assertion of its interests against foreign powers is confided; and its duty commonly is to decide upon individual rights according to those principles which the political department of the nation has established.
>
> . . . . If those departments which are entrusted with the foreign intercourse of the nation, which assert and maintain its interest against foreign powers, have unequivocally asserted its right of dominion

over a country of which it is in possession and which it claims under a treaty; if the legislature has acted on the construction thus asserted, it is not in its own Courts that this construction is to be denied. A question like this respecting the boundaries of nations is, as has been truly said, more a political than a legal question, and in its discussion the Courts of every country must respect the pronounced will of the Legislature.[1]

In the case of Williams vs. Suffolk Insurance Company (1839), arising out of a difference between the United States and Buenos Ayres (now Argentina), over the Falkland Islands:

. . . Can there be any doubt that when the executive branch of the government, which is charged with our foreign relations, shall in its correspondence with a foreign nation assume a fact in regard to the sovereignty of any island or country, it is conclusive on the judicial department? And in this view it is not material to inquire, nor is it the province of the court to determine, whether the executive be right or wrong. It is enough to know that in the exercise of his constitutional functions he has decided the question. Having done this under the responsibilities which belong to him, it is obligatory on the people and government of the Union.[2]

1 2 Peters, 306-308.
2 13 Peters, p. 420.

In the case of Downes vs. Bidwell (1902), regarding the status of Porto Rico under the U. S. government:

. . . It is said that the spirit of the Constitution excludes the conception of property or dependencies possessed by the United States . . . this reasoning is based on political and not judicial considerations. Conceding that the conception upon which the Constitution proceeds is that no territory as a general rule should be acquired unless the territory may reasonably be expected to be worthy of statehood, the determination of when such blessing is to be bestowed is wholly a political question, and the aid of the judiciary cannot be invoked to usurp political discretion in order to save the constitution from imaginary or even real dangers.[1]

In the case of Atkin vs. State of Kansas (1903), regarding the rights of a state in making contracts for public work:

. . . It belongs to the state as the guardian and trustee for its people and having control of its affairs, to prescribe the conditions upon which it will permit public work to be done on its behalf or on behalf of its municipalities. No court has authority to review its action in that respect. Regulations on this subject suggest only considerations of public policy. And with such considerations the courts have no concern.[2]

1 182 U. S., pp. 311, 312.
2 191 U. S. Rep., 222, 223.

The essence of policy is independence. Compulsory or obligatory policy is a contradiction in terms. A course of action imposed by arbitration, by adjudication, or otherwise, is a matter of duty or obligation and, as such, can not be a matter of policy.

Under our political system, governmental policies crystallize out of public opinion, and find expression in party platforms. The aim of party activity is to have a platform enacted into law, for only thereupon do its theories, or "planks," become subject to judicial interpretation.[1] As long as there is no world legislature there cannot be, even in prospect, any adjudication of world policy.

Whether Germany shall have its place in the sun, and if so, where and when, is a question of might rather than of right. On the 16th of June, 1913, the 25th anniversary of the crowning of the German Emperor, Mr. Andrew Carnegie, in the name of the Peace Societies of America, presented to the Emperor an address signed by 400 prominent men, and congratulated him on having preserved the peace for a

1 "Judicial Interpretation of Political Theory," by W. B. Bizzell, pp. 1, 2, 19.

quarter of a century. His Majesty discreetly replied: "I hope that I shall be able to do so for another 25 years."

On the same day his ambassador in the United States said publicly:

"The Germans are unable to accept the dream of universal and perpetual peace, for their geographical position does not admit of it. They are ready on the other hand, as Siegfried was, to forge and wield the sword, if called upon to do so."

Whether the Monroe Doctrine or British command of the sea shall prevail on the isthmus of Panama is another vital international question. A tribunal undertaking to answer it would have to consider which is of greater value to the world, the Republic of the United States or the Empire of Great Britain. What is the code or body of law, what are the rules or principles, what the standards or criteria, by which that question may be definitely answered?

There are none. The decision calls less for the application of law than for the making of it.

International questions may often be reduced to questions of so-called International

Law, arising out of treaties, conventions, etc.[1] How simple a matter for experts, for international lawyers, to elucidate and interpret the technicalities of such documents. But in how many cases are these compacts the fruits of injustice, extortionate concessions wrung from feeble nations by aggressive war or filched from them by treacherous diplomacy. With respect to such cases, the judicial settlers presume that the nations will "boldly empower the proposed international court to fall back upon the wisdom of its day and declare as law what it finds to be the just practice of men."[2] The "Judicial Settlement" idea reduces itself then to this, that the World be subjected to absolute, irresponsible government in the name of justice. As an illustration of such subjection, we may take the Articles of Agreement for the constitution of an international Court, proposed by Mr. Oscar T. Crosby, of Warrenton, Virginia.[3] This instrument provides for the creation of "a sovereign body to be called the International Court of Decree and Enforce-

1 . . . there are practically no political questions which may not be translated into questions of law ("The Work of the Hague Court," by N. Politis, p. 12 Publ. of Am. Soc. for Jud. Settlem. of Int. Disp.).

2 Publ. of Am. Soc. for Jud. Settlem. of Int. Disp. No. 5, p. 38.

3 Appendix D, p. 249 "Post."

ment. Its members are to be representatives of the signatory governments. According to the manner of their selection they may represent people in general or a particular class, and so make the body democratic or autocratic. It is provided that "The manner of selection, the personal qualifications, and the term of office, of members shall be such as may be determined by their respective Governments." (Art. IV, sec. 2.) But in what spirit, according to what principles, is this prerogative of the several governments to be exercised? On this point there is no information, nor is there assurance even of uniformity. The governments may retain all their present variety. The articles contain no such provision as the one in our constitution which guarantees to each state "a Republican Form of Government" (Art. IV, sec. 4). As a consequence, the representatives in the World Court may be, some of them democratic and some autocratic. Such division of a house against itself means for the world, as it meant for the United States, an irrepressible conflict culminating in civil war. One finds in Mr. Crosby's Articles, provisions for the organization, payment, and meeting of the Court

and for the regulation of its procedure, also a detailed statement of its powers and jurisdiction, but as to any code or system of law, justice, or equity, by which it shall be governed, not a word. Its decisions are to be, not verdicts, but decrees.

The Second Peace Conference at the Hague, held in 1907, agreed upon a convention for the establishment of a "Court of Arbitral Justice" as soon as an agreement should be reached upon the choice of judges and the constitution of the court. This agreement, however, was never reached and the Court therefore has never been formed. What is meant by a Court of Arbitral Justice? What is Arbitral Justice, if not arbitration? It would probably prove in practice to mean an alternation of arbitration and justice, according as the case was one of a political or of a legal character.

That Germany, or the United States, or Great Britain, or the nations of the world generally, would consent to the establishment of a court with power to settle questions of policy seems all but impossible, but the belief that they would, that World Peace can be secured by getting the nations to promise that they will

not fight is not confined to a visionary minority of the Peace People. At the National Peace Congress held in Baltimore in 1911 it was shared by a decided majority. To be sure, "a small group of men who had taken a leading part in it," expressing unofficially what they regarded as the consensus of opinion of the Congress, declared with reference to the proposed international court of justice, that "all questions *except those of pure policy*" should be submitted to it.[1] But as formally recorded, the expressions of the meeting were as follows:

. . . The idea of employing military power at all to enforce the decrees of the court was rejected because of the many obstacles, including national jealousies, to the exercise of such power. Public opinion was thought to be a better sanction and in course of time could be developed into an effective sanction. It is feared in some quarters that an international force may prove an instrument of intolerable tyranny. "Now that the nineteenth century has made the world one neighborhood and the twentieth century is making it a brotherhood . . . the public opinion, which is in advance of the general opinion of governments," will prove a more effective sanction for the decrees of an international court than any other coercive measures.

[1] Publications of the Am. Soc. for the Jud. Settlement of Int. Disp. No. 5, p. 11.

A nation having agreed to submit a controversy to the court is not likely to brave the adverse opinion of the world by refusing to abide by the decision. "In this era of world history" such a course "is unthinkable." [1]

This disapproval of the use of force is based upon the difficulty of making its use effective quite as much, it would seem, as upon the idea that there would be no occasion for its effective use; yet no substitute for it when ineffective is suggested.

The Universal Peace Congress held at The Hague in 1913 practically rejected the proposal for creating a supernational police force to impose peace, fulfillment of treaties, and other courses of action, upon recalcitrant states. The president of the congress himself opposed it, the American and British delegates generally took the same side, and it was laid upon the shelf for consideration in some future year.[2]

Possible refractoriness towards the Court can not be rationally disregarded in the judicial government of the world any more than in the maintenance of the peace and order of a community or nation.

1 Publication of the Am. Soc. for Jud. Settlement of Int. Disp.
2 "Army and Navy Journal," Aug. 30, 1913.

Since evil passions are a part of human nature and are in all societies all the time, a part of the energy of the society is constantly spent in repressing them. If all nations should resolve to have no more armed ships, pirates would re-appear upon the ocean; the police of the seas must be maintained. We could not dispense with our militia; we have too frequent need of it now.[1]

According to W. H. Stead, war should not be resorted to even for the prevention of war. The pacifist should have neither cannon nor bayonet. But he should have the means of compelling nations, when necessary, to keep the peace, and that means he has in the form of the boycott.

With the enormous development of international relationship, each modern state depends upon its neighbor for the necessities of life. Suppose for example that Germany and England have a conflict, that mediation fails, that Germany offers to arbitrate, and that England refuses. If thereupon all the other nations of the world will boycott England, Germany will not have to fire a shot to reduce England to submission. For England is the workshop of the world; two thirds of her food supply comes to her from abroad. She lives by drawing raw material from different countries, working them up in

1 "War," by W. G. Sumner ("Yale Rev.," Oct. 1911).

her factories, and reselling them afterwards in all directions.

A universal boycott would reduce her immediately, and that same result would be obtained if, reversing the rolls, the boycott was directed against Germany. In fact, as regards a war between these two European countries, the enforcement of a strict boycott by only three powers: the United States of America, the Argentine Republic, and Russia would suffice to bring the outlaw nation to terms.[1]

There is the same weakness in this measure that there is in antimilitarism, and in the withholding of loans from belligerents. The boycott might in exceptional cases prove effective if carried out, but would it be?

The difficulty of preventing trade between people who need, and therefore want, to trade has been repeatedly demonstrated. It was shown in Great Britain's attempted blockade, first of France and then of the Continent of Europe, and of France's retaliatory attempt to enforce a boycott of Great Britain. The latter, known as the Continental Blockade, proved more injurious to the Continent of Europe, and especially to France, than it did to Great Brit-

1 "Echos Pacifistes, Publications de l'Institut International de la Paix," pp. 56-60.

ain. It was pretty strictly executed where Napoleon was in immediate command, but elsewhere, even in Holland, where his brother commanded, its vexatious restrictions were but loosely enforced. Everywhere smuggling sprang up on the largest scale. The Continental Blockade was one of the principal influences that made the people execrate the rule of Napoleon and caused the fall of his Empire.[1]

About the same time the pacific President of the United States, Thomas Jefferson, undertook to boycott Great Britain into a proper respect for United States' rights on the high seas. "If ever England could be coerced by peaceable means, this was the time." [2] An embargo was placed on all shipping destined to a port of the British Islands or of a British dependency. It had not lasted four months when—April 19th, 1808, the anniversary of the battle of Lexington—the President issued "a proclamation announcing that on Lake Champlain and in the adjacent country, persons were combined for the purpose of forming insurrections against the laws, and that the military power

1 Louis Renault, "Grande Encyclopédie."
2 "Hist. of U. S.," by H. Adams, IV, 145.

of the government must aid in quelling such insurrections."

The embargo aimed at driving England to desperation, but not at famishing America; yet the President found himself at a loss to do the one without the other.[1]

The trade conditions, which made the embargo so onerous to the United States, have long been outgrown, but those which have succeeded them are also, if in a different way, unfavorable, to industrial isolation. The fiscal, political, and social evils under which the embargo broke down may be considered as inseparable from it.

The cost of this "engine for national purposes" exceeded all calculation. Financially, it emptied the Treasury, bankrupted the mercantile and agricultural class, and ground the poor beyond endurance. Constitutionally it overrode every specified limit on arbitrary power and made Congress despotic, while it left no bounds to the authority, which might be vested by Congress in the President. Morally, it sapped the nation's vital force, lowering its courage, paralyzing its energy, corrupting its principles, and arraying all the active elements of society in factious

1 Id., p. 250.

opposition to government or in secret paths of treason. Politically, it cost Jefferson the fruits of eight years of painful labor for popularity and brought the Union to the edge of a precipice . . . the embargo, as an engine of coercion, needed a long period of time to produce a decided effect . . . but meanwhile the morals, courage, and political liberties of the American people must be perverted or destroyed, agriculture and shipping must perish; the Union itself could not be preserved.[1]

Irrespectively of its failure, assuming that it had succeeded, how should Jefferson's embargo be estimated, economically and morally, as a substitute for war? This question can not be better answered than by another quotation from the work already so freely drawn upon:

. . . While embargo saved perhaps $20,000,000 a year and some thousands of lives that war would have consumed, it was still an expensive system and in some respects more destructive than war itself to national wealth.

The economical was less serious than the moral problem. The peaceable coercion which Jefferson tried to substitute for war was less brutal, but hardly less mischievous, than the evil it displaced. The embargo opened the sluice gates of social corruption. Every citizen was tempted to evade or defy the laws. . . .

[1] Id. IV., 287-289.

If war made men brutal, at least it made them strong; it called out the qualities best fitted to survive in the struggle for existence. . . .

. . . Jefferson must have asked himself in vain what lessons of heroism or duty were taught by his system of peaceable coercion, which turned every citizen into an enemy of the laws—preaching the fear of war and of self-sacrifice, making many smugglers and traitors, but not a single hero.[1]

Similar failure was experienced in our Civil War. In spite of the non-intercourse between the opposing sections, prescribed by law, orders, and the usages of war, considerable business in cotton and other merchandise was carried on across the lines.[2] The more stringently the blockade excluded the supplies of foreign countries, the higher went their prices, and consequently the greater were the efforts made to get them into the country. Blockade running thus became a lucrative business. So it will ever be. The more effective the boycott, the more strenuous the smuggling. The political exigencies of our Civil War caused the government itself to compromise with the boycott breakers. "Acts were passed by Congress,

1 "Hist. of the U. S.," by H. Adams, IV, 276-277.
2 Id., by J. F. Rhodes, V, 287, 290, 291-298.

proclamations issued by the President, and regulations made by the Secretary of the Treasury, under which a certain amount of commerce was carried on [legitimately] between inhabitants of the North and of the South. The anxiety of the President and his advisers to furnish Europe with cotton stands out saliently in their words and acts."[1]

In the present Anglo-German war Great Britain is endeavoring to reduce Germany, as the North reduced the South in our Civil War, by starvation coupled with invasion. Her task is a much more difficult one than that of the United States. The only neutral country which, in our Civil War, adjoined the Southern Confederacy was Mexico. But the supplies furnished from or through its territory had a long way to go by wretched communications to reach the principal theatre of war, which was East of the Mississippi River. That stream was patrolled by northern gunboats, so that the best part of the South was invested by land or water on all sides.

It will hardly be possible for Great Britain to bring about any corresponding situation in

1 Rhodes, V, 275, 276.

the present war. Germany has on the east her own powerful and resourceful ally, Austria-Hungary, which adjoins neutral Rumania, which adjoins the Black Sea. On the south she has neutral Switzerland, and on the north neutral Holland and Denmark and the Baltic Sea. By the latter she communicates with neutral Sweden adjoining neutral Norway.

Great Britain may blockade but a small part of the German seacoast, lying between Holland and Denmark. For the investment of the rest of the German frontier she depends upon her army and those of her allies and the complaisance of neutral nations. The reflex injury which a boycott brings upon the belligerent resorting to it has come upon England in the present war.

The original proposal for an immediate boycott of all articles of German manufacture produced an indignant outcry from British wholesale and retail traders, who had already bought German goods to the value of millions of pounds, and were faced with the prospect of having these wares left on their hands. For several days the papers were giving particulars of manufacturing concerns in England whose shares were largely owned by German capitalists. These too should be boycotted, for if you bought any of

their products, you were putting money into the pockets of the enemy.

Presently it occurred to some one that the success of this campaign would increase the evil of unemployment at home, against which it is necessary to guard. One petroleum company, mainly owned in Germany, employs in its British works 3,000 persons. A German tube company similarly employs 1,750 and a German electric lamp company 1,500. These conditions are the direct result of recent legislation which compelled German owners of patents, in default of forfeiting their patent rights, to manufacture the patented article in this country. This law was passed for the express purpose of enabling British workers to derive employment from British purchases of the article in question.[1]

Considering the difficulty experienced by the North in our Civil War and by Great Britain in the present war, in overcoming a less numerous enemy with a boycott, reinforced with aggressive warfare, what chance is there of coercing a nation with a boycott alone? But strange as it may seem, there are pacifists who still advocate the boycott as preferable to forcible coercion.

I am led, says one, to the conclusion that the real force to apply in this Twentieth Century is the com-

[1] H. W. H., in "Nation," Sept. 24, 1914.

pelling and world-wide force of commerce and finance. Economic measures touch the war chest of every country. So, instead of fighting with bullets, why not fight with the money and credit that must be behind the bullets?

In this modern world, with all its inter-relations, no nation can stand alone. Today money has become international because in all civilized countries gold is the basis. Credit based on gold is international. Gold and credit withheld, nations cannot go to war. The next Hague convention should provide:

First, an agreement whereby all nations parties to it will refuse to trade with an offending nation.

Second, refuse to permit loans to be made or credit established within the borders of an offending nation.[1]

On this general subject Dr. Charles W. Eliot, President emeritus of Harvard University, says:

The pacifists habitually maintained before the outbreak of this war that permanent peace could be brought about by the influence of the best public opinion of the world, without any use of force to prevent fighting. Since the war broke out at the beginning of August, as the inevitable result of causes which have been in action for many years, this opinion is held less confidently. . . .

[1] H. S. Houston, address Aldine Club, Jan. 7, 1915.

Referring to the boycott, he says:

> To most persons who have studied without prejudice or bias the actual state of the commercial world during the last five years, and particularly during the last five months, this hope or expectation of the pacifists does not look reasonable.
>
> Most publicists and statesmen believe that the decisions of courts and the acts of legislatures and international conferences must be supported in the future, as they always have been in the past, by adequate physical force. . . .[1]

The problem of peace by adjudication alone may be set down as unsolved and insoluble.

Let us now consider the view that war may be prevented by a world judiciary supported by armed force. How large should the force be? Larger certainly than that of any single power. But would that be large enough? What if two or more powers should combine to defy the court? It would seem that this international police force would have to be larger than any possible effective military coalition. If the arrangement worked, it might lead to a gradual reduction of national armaments and the international force would not in that event

[1] Jud. Sett. of Intern. Disp. No. 19 (Dec., 1914).

have to be permanently such an immense one as would at first seem to be necessary. But it may be doubted whether disarmament would begin without a world organization that would insure its general execution and permanent observance, and such organization we are not supposing to exist. The international force may therefore have to be strong enough to fight what is left of the armies and navies of the world, on their present or a larger scale. How will such a force be constituted, how will it be raised and maintained? It cannot have the esprit de corps of a single army or navy. It can consist only of a military coalition, a combination of detachments, borrowed from the armies and navies of the several countries. It would be impracticable to concentrate this force into one camp or cantonment and keep it there to organize and train it for united action. Even if the ground and other accommodations could be obtained for it, such concentration would be obnoxious to the nations as a menace to their sovereignty and independence. The force would have to be kept disunited, to be brought together, in whole, or in part, from different countries, as occasion should arise.

Two difficulties now present themselves; one political, the other military. It is a question of politics whether the military or naval details will be regularly furnished, on call from the Court. Every such requisition will be exposed to nullification by the nation on which it is made. Some nation or nations might not approve of the use to be made of the details. Grounds for this misgiving may be found in our own military history. They will occur to any student of the recruitment of our armies in the Revolutionary War and in our Civil War, notably in that of the Confederate armies in the latter part of the war. To assume that an International Court will command obedience is to disregard the past and indulge in unfounded confidence as to the future. But it is not for the future that the Court is projected. As already stated, a convention for the establishment of such a tribunal has been agreed upon and recommended for adoption by the powers, to be put into operation "as soon as agreement should be reached on the choice of judges and the constitution of the Court." The convention provided for its going into effect six months after its ratification.

How the Court should be constituted was discussed at a *World Court Congress* recently held in Chicago.

It seemed to be the general opinion among the delegates that fifteen would be a suitable number of Judges. Some of the plans submitted provided that each nation should name one Judge, but this would have resulted in too large a court to be effective.

Another plan proposed that each State should appoint an elector from the Hague Court of Arbitration and that these forty-five electors should select the fifteen Judges. The eight great world Powers would be expected always to be represented in the court, but some of these great Powers are exceeded in commerce by some of the smaller nations, and it is a matter of history that the majority of the questions brought before such a court are commercial in their origin. To meet the varied objections offered Emerson McMillin of New York has devised a plan which is receiving the favorable consideration of many students of the question.

In the plan of selection presented by Mr. McMillin no State can elect its own representative nor could the combined votes of all the eight world Powers, without the support of others, elect a single Judge when all the sovereign States cast all the votes to which they are entitled. It is pointed out that in the United States no one is concerned about the residence of a Supreme Court Judge provided he is competent to discharge the duties of his office, and this noteworthy example should encourage the smaller

nations of the world to trust that the whole body of electors in their selection of the Judges would be guided by the same high standards.

Under the McMillin plan each State participating in the conference is to appoint one or more electors who shall come together in an electoral college for the purpose of electing the fifteen Judges. Ninety days in advance of the meeting of the electoral college the electors of each nation shall nominate one candidate to be voted for, who may or may not be of their nationality, but who must be of high character and thoroughly versed in the law. To constitute an election a nominee must receive a majority of the votes cast by the electors.

In arriving at the number of votes to be cast by the electors of each nation three factors shall govern—sovereignty, population and commerce. From the viewpoint of sovereignty each State shall be entitled to one vote. On the basis of population each State shall have at least one vote whatever its population, and the total number of votes to which it is entitled shall increase in ascending scale up to eight if the population exceeds 420,000,000. On the ground of commercial importance each State shall have at least one vote and the number of its votes shall increase in ascending ratio up to fourteen votes if its annual commerce exceeds $15,080,000,000.

In computing population and commerce colonies and dependencies are to be considered and the last official census figures are to be used with the customary allowances for increases.

No nation is to be entitled to less than three votes nor more than twenty-two and no State shall have

more than one member of the court. One or more shall be elected from the Asiatic States, one or more from the South American States, one or more from the North American States and four or more from the European States.

This plan, it is contended, will appeal to the smaller nations and at the same time give the larger nations no reasonable cause for dissatisfaction. The six great European Powers would probably each secure a representative. The United States would no doubt have one, Japan one and the South American republics one or more. Having been elected by the votes of many nations, the Judges would feel that they were the representatives not merely of their own nations but of all the nations, which would promote internationalism and raise the intellectual and moral level of the entire court.[1]

The establishment of a World Supreme Court was opposed at the last Hague Conference in the following language:

. . . Though the judicial form of justice be the preferable one as between individuals, the arbitral is the only one applicable between nations. These will submit to no authority but that which they establish over themselves. To substitute, with them, justice for arbitration would be to replace voluntary consent with compulsion . . . you will incur the distrust of the States. . . . We ought, on the con-

1 N. Y. "Sun," June 13, 1915.

trary, to render arbitration more acceptable to the nations that are afraid of it, instead of exciting against it more legitimate apprehensions than already exist.[1]

But let us suppose that the political difficulties of the undertaking, including the procurement of troops for the enforcement of judgments, is overcome. There is still the problem of employing the troops, the difficulty of effectively commanding a heterogeneous grand army of levies from a number of countries, speaking different languages, variously armed, equipped and organized; trained in different schools of tactics and strategy; the officers generally unacquainted with one another and more or less out of accord as to the objectives and modes of operation to be adopted. To appreciate these difficulties some study of the histories of military coalitions is necessary. Material therefor may be found in the combined operations undertaken in our Revolutionary War by British, Germans, and Indians on one side and Americans and Frenchmen on the other; in the attempted joint intervention

1 Ruy Barbosa, Delegate from Brazil. "Actes et Discours," pp. 248, 249.

in Mexico by Spain, France and Great Britain in 1862; and in the joint expedition of British, French, German, Japanese, Russian and U. S. troops to relieve the foreigners in Pekin in 1900.[1] Between the years 1792 and 1815 seven successive coalitions were directed against France. All except the third (1805) had a preponderance of numbers over the French; all except the last two were defeated. The coalition of the Balkan states in their late uprising against Turkey was, thanks to exceptional preparation, a brilliant military success, but the treaty of peace was not signed before differences arose over the division of the fruits of victory, which led to the war between three of the late allies on one side and one on the other. In the course of this contest the three allies were reinforced by the late common enemy and another power. In the present great war between the Anglo-Franco-Russian-Servian-Montenegrin - Japanese - Portuguese coalition and the German-Austrian-Turkish one, Great Britain, France, and Russia have formally agreed that none of them will make

1 With respect to last named enterprise, N. Y. "Evening Post," Nov. 2, 1914, p. 6.

peace until they are all willing to do so. A similar agreement exists between Germany and Austria. This means that no peace can be arranged until Great Britain and Germany are ready for it. The efficiency of the German coalition is favored by a condition which is not paralleled in the British; that is, that the German Emperor and his general staff control the Austrian and Turkish, as well as the German forces. Notwithstanding these potent factors of solidarity and unity, there are indications that neither side has been able wholly to avoid the traditional difficulties of international military cooperation.

From peace by adjudication, unsupported or supported by force, we pass to peace by compulsion, or coercion. This process differs from the one just considered by concerning itself less with international justice and more with general or world policy. Its highest tribunal would be a court, not of justice or of arbitration, but of policy. It involves more perfect cooperation among the nations, and this brings us to the subject of organization. The possible form of world organization may be reduced to the following three:

1. A World league or alliance.
2. A World confederation.
3. A World nation.

Its natural development would be an evolution through these forms in the order here indicated.

World Alliance

The first stage then would be a world league or alliance, the terms or provisions of which should be as easy, as simple, as may be necessary to include all or nearly all the states of the world. However weak and elemental, such a union would be better than none, it could not but grow, and breed more of the spirit that gave it birth.

If there were any preliminary assembling of states into minor groups or leagues, these should be based, less on race affiliation or sympathy, than on the need of it. States whose race relationship is not close and yet not too distant, might advantageously come together in order by mutual contact to adapt themselves to one another. There would be little gained and perhaps considerable harm done by an al-

liance between Great Britain and the United States, but much might be expected of one between Great Britain and Germany or between the United States and Japan.

This idea of a world alliance, in which government should be exercised by the rulers of sovereign states, was advocated by William Penn in the years 1693-94.[1] The Abbé de St. Pierre's *Projet de Paix perpétuelle*, published in 1713,[2] was based like Penn's upon faith in the pacific disposition of sovereigns. Referring to it Leibnitz wrote:

> I remember the devise over a cemetery, *pax perpetua;* for the dead do not fight, but the living are of a different mind, and the powerful have little respect for tribunals. It would be necessary that all those gentlemen should give security, or make deposits in the bank of the tribunal: a King of France for instance, a hundred million crowns [sixty million dollars] and a King of Great Britain in proportion, in order that the sentences of the tribunal might be executed on their money in case they were refractory.[3]

In 1795 Emmanuel Kant published his *Es-*

1 Appendix E, p. 256 "Post."
2 Appendix F, p. 257 "Post."
3 "La Nouvelle Revue," vol. 119, p. 413.

say on Perpetual Peace. He recognized a world state as the true theoretical solution of the peace problem, but having no adequate conception of federalism, and no idea of race unification or assimilation, he could not think of world federation as practicable. He consequently looked upon perpetual peace as a "philosophical ideal," and contemplated an approximation to it through a world league of sovereign states, which should guarantee the prevention of war and free migration from state to state.

Something like Penn's autocratic régime was contemplated by the so-called Holy Alliance in 1815. Fortunately for the cause of liberty and self-government, these plans and Mr. Carnegie's all came to naught. Every alliance is uncertain in its firmness and duration. There is no telling when one or more of the members may withdraw from or desert it. As a combination against other nations, it will naturally antagonize the latter and perhaps impel them to unite in a counter-alliance. Compulsory peace need not, but would or might, shut the door of hope on all peoples and nations in subjection or involuntary tutelage, who look to war

for their liberation, and on those independent nations who aspire to what they consider a just enlargement of their share in the possession and domination of the world. It contemplates a fixation of the geography of the world about in its present form. In the perpetual alliance projected by de Saint-Pierre the signatory sovereigns pledged themselves to guarantee to each one and to his family forever "all the territory which he actually possesses." The kind of protest that may be entered against this policy is illustrated in the following communication to the N. Y. *Nation:*

. . . Peace and humanity, Sir, are words indulged in by Saxon, Latin and mongrel races as a cloak beneath which to conceal their aggressive militarism, their spread-eagle imperialism. Being free and independent themselves, they seek to support each other, by pretentions of mutual amity, in the work of robbery and vandalism that they have accomplished at the expense of "weaker" races. But the fact remains that there are subject races groaning under the tyranny of unscrupulous alien despots. There are the Irish, the Poles, the Indians, the Egyptians, and the Africans that have yet to be emancipated to take their proper place in the work of the world. And so long as their subjection continues we shall destroy every vestige of international peace in

the Old and the New World, until every country shall be free, independent and self-governing.

Peace and humanity are very different things from this European cant of peace and humanity—born of colossal ignorance, unfathomable irreligiousness, unscrupulous selfishness, and inordinate conceit. There can be no peace until every race now subject shall have trod the red road to national freedom by the ruthless destruction of all tyranny and despotism. Not until there is national independence and international equality can we allow any talk of international peace and the abandonment of the horrors of war.

Victor Hugo, expressing himself in favor of organized World Peace, placed upon it the condition of the recognition of nationalities (*la reconnaissance des nationalités*). Proudhon used to say that peace would exist only when there should no longer be oppressed or exploited peoples.

National emancipation, freedom, and independence, may be necessary preliminaries to lasting peace, but they do not of themselves insure it. They engender rather than prevent, the international envy, selfishness and ambition which light the torch of war. World Peace requires that the competition and riv-

alry which create bad blood, friction, and war be replaced by political cooperation.

Unless, moreover, this league of peace included all, or nearly all, the powers of the world, it would contravene the fundamental principle of our foreign policy enunciated by George Washington in his farewell address, respecting entangling alliances. As consistent and loyal Americans we could not become parties to it until it comprehended the mass of mankind.

People who approve of rather arbitrary world government are decrying the competency of national rulers and cabinets to declare war. Secret diplomacy has led to war, but it has also prevented it. Where power to declare war is taken from a monarch it is not abolished, but only transferred to a people or their representatives; and the idea that people by the million are more pacific than they are singly or by the dozen is as yet a mere conjecture.

Depriving governments of the right to declare war and lodging it in the people may diminish the frequency of war; it will not abolish it. The chief objection to secret treaties is not their pregnancy with war, but their infringe-

ment on the prerogative of self-governing people to determine their external policy as well as their internal polity for themselves.

If little may be expected from democratifying the function of declaring war, a great deal might be accomplished by popularizing the duty of waging war. Nothing that has yet been proposed as a factor of peace would do as much to keep the United States from engaging in unnecessary wars as an amendment to the Constitution requiring that in every war our armies should be raised only by conscription, or recruited on the basis of universal liability. Such a measure would not only make powerfully for peace, but would insure our having in time of war a less costly and more efficient army than we could ever have on a basis of volunteering.

A World League of Peace should provide for at least eventual free trade and freedom of migration. If successful, this would naturally lead to the next step, the advancement from diplomatic to political union, the formation of a world state.

IV

A WORLD PEOPLE

THE great political unifier has been war or the apprehension of war. But the world as a whole can not look forward to war against a common enemy. Not in our wildest imaginings do we think of armies or fleets coming down upon our planet from Mars or Venus or our other cosmic neighbors. But we should not dismiss the thought of it as a manifest eternal impossibility. Scientists are far from agreeing as to the nature of the universe beyond the limits of our atmosphere. The best of them, on this subject, deal more in theory and speculation than in knowledge. We do not know what jealousy of our place and opportunity in the universe, what armed and winged dangers, may be lurking along the canals of Mars, or gathering about the mountains of the Moon or in the plains of Venus, or sallying against us from these and other unexplored spheres or depths

of space. Who will say that the conquest of the air is never to be extended into the realm of what scientists call ether?

The theoretical aspect of the problem of interplanetary communication, including travel, has been seriously and judiciously discussed by Mr. A. Le Mèe, *Enseigne de Vaisseau* in the French navy. His conclusions are thus expressed: " . . . If from the mechanical point of view the problem of interplanetary communication is not an impossibility, the prospect of its realization is lost in the far distant future. The exigencies of physiology would make every attempt an extremely bold undertaking, but the absolute impossibility of succeeding in it has not been demonstrated."[1]

So if the Constitution of the United States were being adapted to a world government, it should not seem absurd to retain in the preamble the words "provide for the common defense." But for the present day and generation, all danger to the world from without may be considered as unworthy of serious consideration. The danger from within, of being attacked by sister states, has led states to unite

1 "Ariel," Paris magazine, Dec., 1912.

in groups for defense; but this process cannot lead to the permanent pacification of the world, for it would operate no longer than was necessary to dispose of the last enemy in sight. This done, the union would weaken and disintegrate, and the alternation of war and union against war begin again. A union must be formed which is held together from within, not forced together from without; which meets the needs of perpetual peace as well as those of intermittent war. In such a union there must be a civic spirit equivalent, in its unifying influence, to military spirit. Such a spirit can come only out of a people's life and experiences. It cannot be created or assured by a constitution or form of government. It must, in fact, come before these. The sub-foundation, as it were, of a state, underlying its laws and constitution, consists of a stratum of popular political ideals. For the United States, they are the principles embodied in the Declaration of Independence. When racial and other antipathies are sufficiently overcome there must be a political agreement upon some similar world charter, code, or bill of rights,

before the formulation of a world constitution would be advisable.

The construction of the world state should thus begin or be preceded by the formation of a site, or creation of a people, and proceed to the laying of a foundation, or adoption of a constitution. Each of these tasks is a work of constructive statesmanship, calling for the services of constitutional rather than of international lawyers, of historians, sociologists and political economists.

In the first stage the principal factor is the peaceable intercourse and inter-action of nations and races. These agencies, determined in the main by social and economic forces, independently, not to say in spite, of the work of Peace Societies, may be helped along by the removal of obstructions which man and nature have placed in their way. The most noteworthy of these are perhaps the following:

1. Racial antipathies.
2. Differences of language.
3. Distance between nations.
4. Protective tariffs.
5. Privileged aristocracies.

Racial Antipathies

Racial contrast is placed first in the list because it is considered the most serious of the present obstacles to the unification of the world.

. . . It seems to be a general—I will not say universal—law of social growth that an independent political community, even if originally the same in race, religion, and habits, as its neighbors, tends to draw apart from them, and to form an individuality of its own, creating a national type and impressing that type upon its members.[1]

Race feeling is becoming more rather than less potent a factor in world politics. Under its influences, conflicting interests are grouping themselves in larger masses than ever before. This movement has impressed prominent Pacifists as the inauguration of World Peace. Having developed national, continental and hemisphere solidarity, it may ultimate in world solidarity. But to many it portends a coming era of titanic war, of vast coalitions, possibly of continents, of hemispheres, pitted against each other.

1 "South America, Observations and Impressions," by James Bryce, p. 569.

The fact that the countries most clearly overpopulated are peopled by races possessed of weak affinities, or none, for the democracies occupying the largest areas of sparsely settled land and offering the most attractive industrial prospects, and moreover feel certain strong antipathies for them, is ominous. The democracies of the New World and of Australia will be forced by the law of national self-preservation to keep out the millions of folks of other colors and alien ideals who are ready to be shot into their respective bodies-politic by the force of economic stress, like a drug into a vein by a hypodermic needle. They must do this. Their precious experiment in democracy requires it. They have good reason to believe that in fighting against national dilution and contamination they are battling for a principle as important to the colored races as to the white—a world principle. Can universal disarmament be brought about while this condition persists? It seems to me very doubtful.[1]

These views may be wrong in two respects: First, as to the fact that people coming and likely to come to the New World are indifferent or opposed to democracy, and secondly (assuming such indifference or opposition), that they constitute a danger to democracy. There is the factor of assimilation to be reckoned with.

1 "On Board the Good Ship Earth," by Herbert Quick, p. 363.

Race characteristics are not essentially physical, they are essentially mental, not so much a matter of blood, as a matter of government, of civilization. They are made rather than inherited. It is under the influence of environment and collective experience, by feeling and acting in common, by doing things together, that soldiers are welded into an army; partisans into a party; men, women and children into a people. Nowhere is this better illustrated than in the United States, where it is observed that the physiognomies, if not the bodily forms, of immigrants change, without racial intermarriage, to assimilate themselves to a national type.[1]

The American people is not an English, nor a Dutch, nor a French, nor a German, nor an Irish people. The American nation is an entirely new people which, like all the great nations of the world, has arisen from a mixture of races and from a blending of nationalities. The ties of kinship do not connect it with England more than with Ireland or Holland or Germany or Sweden. All these races are

1 "Changes in Bodily Form of Descendants of Immigrants," Senate Document, Wash., 1910. "Le préjugé des Races," and "L'Agonie et la Mort des Races," by Jean Finot. "The Jews: A Study of Race and Environment," by Maurice Fischberg. "The American Japanese Problem," by S. L. Gulick.

assimilated here—not by a common racial origin, but by a common national task.[1]

People who think it necessary to trace their lineage back to British stock or to identify themselves with Great Britain in order to prove their Americanism, are to be pitied for not having an idea of what it is to be an American.

The United States wants to be on the best of terms with its mother country. It should welcome Great Britain into any concert of nations for the maintenance of a world union, of a citizenship in which all nations or peoples participate. But if obliged to choose between Great Britain and the rest of the world it should not hesitate to take its chances with the rest of the world.

The terms Latin race, Anglo-Saxon race, Teutonic race, etc., are misused to excite pride, jealousy, animosity, and other baneful feelings. The Briton says to the North American and the Frenchman to the Latin-American: "Think racially." That means for the North American to think British and for the Latin-American to think French. It means for the United

1 "American Patriotism and Other Social Studies," by Hugo Münsterberg, pp. 20, 21.

States to approve of the supremacy of Great Britain on every sea, of her controlling Egypt in order to dominate the Suez Canal, and South Africa to command the route around the cape; it means for Latin-America to estrange itself from its natural associate in North America and renounce or jeopardize the political aspiration of the American World, the principle of Pan-Americanism, the Boliver Idea—for the benefit of France. The people of America should think racially, not by thinking British nor by thinking French, but by thinking American, by thinking with the American races that are, for the American race that is to be, or with all the races of to-day, for the one race of to-morrow.

The settlements of Japanese in California and British Columbia, who marry only among themselves, are referred to as "undigested and indigestible lumps in the political ventricle." But they cannot escape the processes of social and political assimilation. Even if they did, admitting that such establishments, that German colonists (so-called) in South America, and certain German communities or societies in the United States, are bits of Japan or of Ger-

many, there is no real danger of their developing into anything more. A French writer says:

> The 300,000 Teutons established in Chicago, those who live in San Francisco and New Orleans, do not mix with the Yankees; they form [with the latter] two hostile camps. The German emigrants work for their country and they serve its commerce admirably.[1]

In the course of the present Anglo-German war, Americans of British extraction have been severe towards our citizens of German extraction on account of their sympathy with Germany, denouncing them as un-American, as hyphenated citizens, and asking what their conduct would be in case of a war between the United States and Germany. It would be, as it always has been, true to the United States. There is a great difference between sympathizing with the land of one's ancestry in a war between it and another foreign country and sympathizing with it in a war against one's own native or adopted country. The former tendency may be inherited through the ages, the

1 "Le Vol de l'Aigle de Monroe à Roosevelt," by Joseph Ribet.

latter will hardly outlast or last a generation.

The Japanese preserve their identity somewhat longer than the Germans, but are not insured against the loss of it. In comparing the Japanese with the Germans it should be considered that the Japanese are practically, if not legally, debarred from naturalization. They would prove less refractory to our social digestion if they were allowed, as the Germans are, to become citizens. Foreign infiltration, or settlement, in one's own country, supposing it not to be absorbed, has its good as well as its bad effects. If foreign travel improves the mind and develops international sympathy and understanding, it must be an advantage to people who cannot go abroad, to be able to sample foreign life at home; to see something of Germany, of Japan, of China, of France, of Italy, and of other foreign countries in their own. From this point of view the foreign element in a population seems deserving of a recognition and appreciation which it is not receiving. Its too slow absorption may be an evil, but there may be such a thing as its too rapid absorption. By its combination of good and bad features it seems to raise the question of the

Trusts, the question of abolition or regulation. Has not that question been answered? Is it not practicable to regulate foreign infiltration so that it cannot be a national danger, so as to protect and foster the good that comes with it or from it and suppress or restrict the bad?[1]

Differences of Language

Next to racial difference, difference of language has, since the confusion of tongues on the Tower of Babel, been the great obstacle, and similarity of language, the great aid, to the unification of peoples. One of the first steps taken by our government in closing the breach between our white population and the Indians, in Americanizing the Philippinos and the Porto Ricans, was the instruction of those people in our language. The sympathy between Americans and their British cousins, generally attributed to blood relationship, proves on analysis to consist largely of a preference on each side for our common language, an indolent indifference towards foreign languages. If Ger-

1 That this may be done and how, is the main thesis of S. L. Gulick's illuminating work already cited: "The American Japanese Problem."

many and England should exchange languages, it would not be long, as time is measured in such things, before we Americans would discover that we had about as many cousins in Germany as we have in England. There was a report in the press a few years ago that Japan was considering the substitution of English for its present language. Nothing that Japan or the United States can do would go so far towards preventing such differences as the present one over the California alien land bill, as the union of the two countries by a common language. In most countries there is a disposition, inspired largely by chauvinism or national conceit, to regard any modification of its language by another as a corruption of it. Hence, in a measure, the stigma of Gallicism, Teutonism, Anglicism, Americanism, etc. It was this form of chauvinism that changed St. Petersburg into Petrograd and Przmysl into Peremysl, and which in Germany is replacing "pardon" with "Verzeihung," "consommé" with "Kraftbrühe," "sauce" with "Beiguss," "hors d'œuvres" with "Kalte Vorgerichte," "omelette" with "gerollte Rühreier," etc. A similar manifestation of national consciousness

took place during the Franco-German war, 1870-1872. It did not last, nor will this one. In spite of such occasional opposition in particular countries, words and phrases will continue to pass from one language into another, and this movement points to a gradual assimilation of languages, which if it does not lead to their unification, will make them easier to learn.

World citizenship, world nationality, will require a world language. If it be not evolved from present languages or adopted from them, it will have to be constructed like Esperanto, Volapük, and other so-called universal languages.

It is unfortunately true that the study of languages as commonly pursued in the United States does not tend strongly to the development of "Welt Geist," World Mind. It does not include speaking or involve travelling and getting that appreciation of a language which comes only from imbibing the spirit, the genius, of the people and institutions that produced it. The American who goes abroad for education does so ordinarily after he leaves school or college, between the ages, say of 18 and 25.

He is then too old, not only to perfect his pronunciation, but also to enjoy the intimacy of foreigners to the best advantage, to receive from them the most valuable and lasting impressions. This is a privilege of guileless, confiding, impressionable childhood. It demands a year or two spent in some one foreign country between the ages of five and fifteen. For these ideas there is venerable authority in John Locke, who says:

I confess, travel in foreign countries has great advantages; but the time usually chosen to send young men abroad is, I think, of all other, that which renders them least capable of reaping those advantages. Those which are proposed, as to the main of them, may be reduced to these two: First, language; secondly, an improvement in wisdom and prudence, by seeing men and conversing with people of tempers, customs, and ways of living, different from one another, and especially from those of his parish and neighborhood. But from sixteen to one and twenty, which is the ordinary time of travel, men are, of all their lives, the least suited to these improvements. The first season to get foreign languages, and form the tongue to their true accents, I should think, should be from seven to fourteen or sixteen. . ." [1]

1 "Some Thoughts Concerning Education," The Works of John Locke, ed. 1823, IX, 201.

In a year, at about that age, one may acquire a knowledge of foreign language and character, a sympathy with foreign feeling, a sort of foreign instinct, which will help one all through life to put oneself in the foreigner's place, to think as he thinks and feel as he feels; to appreciate as well as to understand, what he writes, says, or does; to be, on occasion, virtually a Frenchman, a Spaniard, a German or other foreigner. The orthodox patriot replies: "I don't want my child to be a Frenchman, a Spaniard, a German, or any other foreigner. I want him to be an American, an Englishman," or whatever the parent is. There is no denying that the child may lose some of his untravelled patriotism or that his pronunciation may acquire a peculiarity from the foreign one. But these consequences, so far as they are disadvantages, may be regarded as a small price to pay for the advantages gained through travel.

The notion is more current in the United States than elsewhere, that one can "get along" abroad without a knowledge of any foreign language; that everybody whom one needs to converse with has a speaking knowledge of

English. If by "getting along" is meant simply moving about by the beaten tracks of travel, and procuring shelter, food, and raiment, the notion is perhaps correct. But if one wants to appreciate foreign personality, life, and institutions, to feel the foreign atmosphere, as well as to know the hotels, shops, and museums, one must be able to speak the foreign language, to talk with one's fellow-travellers, with one's cab driver, to understand the actors in a play, the preachers and other public speakers, the foreigners whom one may have the privilege of meeting in their homes, who do not talk English, also policemen, post office and railroad officials, and humble people generally, who do well if they speak their own language with some propriety.

It should be an important function of a foreign minister, to promote international social intercourse. A minister's receptions should bring people of his country together with people of the country to which he is accredited. That he may do this he must know the language of both countries. Judging from appointments made within the last few years, our government is not convinced that a command

of the language of the foreign country or even of French, the language of diplomacy, is necessary to a diplomat.

Distances between Nations

The obstacle of distance is reduced on a continental scale by such works as the Suez and Panama Canals, the Tehuantepec and Panama Railroads, the trans-Siberian, Canadian Pacific, and other trans-continental railroads. One of the consequences of the present Anglo-German war may be the construction of the long projected tunnel under the British Channel, and its paralleling with others to form a system of subterranean or subaqueous communications. These should furnish Great Britain all her necessary imports in time of war and clinch her *entente* with France so as to make her practically a Continental power. This condition would silence her principal argument for preeminence in sea power, for the two-power standard in her naval estimates. There would be no more reason why Great Britain should command the sea than there would be why Germany should or France or the United States

or any other colonial power. This consideration would loosen her hold on her colonies and might by so doing conduce to a world-wide reduction of armament.

Every new impetus to international trade and travel is a move in the direction of World Peace. The domain of transportation is a field for pacific endeavor which seems to be overlooked or at any rate underworked. Fortunes may be securely devoted to the advancement of peace by subsidizing railroad or steamship connections between countries and continents.

Protective Tariffs

The abolition of tariffs would permit all articles of human consumption to be produced where their production is most favored by nature; in other words, at the lowest cost, instead of being in large part forced into the market at the highest cost that protection insures and business will stand. If the world were a single country, one might be more interested in it than in the fraction of it, the province, which under existing conditions, constitutes one's country. Having a world country, one might be compar-

atively indifferent to one's provincial country. But as long as people have but a provincial country, as long as they cannot change their nationality without severing and renewing their highest allegiance, without going among people of different social and political ideals, not related to them even by the tie of citizenship—they will endeavor, above everything else, and however it may affect the world or other nations, to assure their *own* independent existence and welfare. To prepare for war they must maintain a certain industrial independence, they must produce most of the material that goes into the forming of what is called the sinews of war. To do this they generally have to resort to a protective tariff.

A state in our Union, being by the national constitution prohibited from imposing a duty on imports, cannot afford protection to its struggling infant industries. To complaints of foreign competition it answers: "Change your industry or try another state." Before the world can commit itself to free trade, national governments must be able to speak in similar terms to their respective peoples. The equanimity with which the United States views the

emigration of its people and its capital to Canada is encouraging in this regard. But there is another condition necessary to free trade, a logical consequence of the condition just considered, it is that nations generally admit to their territories people coming to them for want of opportunity in their own. Free Trade as a world policy means Free Migration; it requires a degree of popular solidarity which can hardly be realized without political union.

To advocate Free Trade as a means to World Peace is to put the cart before the horse. World Peace, free migration, and world organization must precede free trade. But no world organization is necessary to removing such tariffs as are national handicaps rather than national benefits, which increase the cost of living and decrease population, or otherwise retard rather than advance the development of national resources. A genuine desire for World Peace will prompt a nation to risk, even to forego, some of its gains in revenue and in population in order to promote the trade of other nations and secure their good will. If World Peace is worth having, it is worth paying for.

Privileged Aristocracies

Kings, princes, peers, Junkers and privileged classes generally, have an interest in fostering national consciousness; in keeping up the customs and traditions, the ideals and aspirations, good, bad, and indifferent, which unify a people and differentiate it from other peoples. So far as these ends may be necessary to popular well-being or to the military security of the state, their inspiration is wholesome, legitimate, patriotic. So far as they are not, they tend unjustifiably to national egotism, distrust, envy, hostility, and war. This is Jingoism, the spirit shown in the adherence by the Germans to their eye-straining type and script, and in the tabooing of foreign words and orthography, however preferable on the score of euphony and currency, to the native.

The persistence of Great Britain and the United States in their retention of their complicated system of weights and measures, while the rest of the civilized world, with inconsiderable exception, has adopted the comparatively simple metrical system, can hardly be accounted for independently of jingoism. So

this perversion of patriotism, while a specialty, is not a monopoly of militarism. That it is not incompatible with good republicanism has been demonstrated by the United States, including its pacifists. A few years ago the United States intervened between the government of Colombia and its rebellious province of Panama, and unwarrantably prevented that government from suppressing the rebellion. The efforts of successive administrations at Washington to right this flagrant wrong have had no more strenuous opponent than ex-President Theodore Roosevelt, a winner of the Nobel Peace Prize. That he does not consider the action taken by the United States as wrong, only adds to the significance and import of his attitude, aggravating its unhappy effect upon the people of Colombia and of Latin America, and making the conduct of the United States more rather than less threatening to the peace and harmony of the American world.

There is something to be said for the sentiment: "My country, may she ever be right, but my country, right or wrong." It seems to contemplate loyalty to one's country in a time of contest, be it of diplomacy or of force. But it

seems also to admit and even to call for, proper effort to set one's country right when no contest is on. It bodes ill for our influence in the cause of peace on earth and good will among men that we delay repairing such a monstrous fault as we committed in violating the sovereignty of Colombia by lending our protection to the revolution of Panama.

As a factor of military efficiency, national patriotism cannot be dispensed with as long as war is possible. We are thus confronted with a conundrum. National patriotism will not be abolished until World Peace is established, and World Peace cannot be established until national patriotism is abolished, how then is the world ever to have peace? Theoretically, by the simultaneous abolition of national patriotism and adoption of world patriotism. Practically it can only be by an approach to such coincidence carried out in the spirit of faith, hope and love.

There are people of aristocratic tastes or esthetic sensibilities who object to international assimilation as destructive of national picturesqueness, as robbing travel of its charms. It would deprive certain countries of some of

their attractiveness, but the removal of dissimilarities that impede the intercourse and reciprocal understanding necessary to world government need not reduce the world to a tiresome uniformity or make travel a dreary monotony. The disappearance of peculiarities which now please by their novelty would leave the traveller freer to observe others, less obvious than those which he is used to noting, but perhaps more worthy of his attention. Countries without distinctive dress, distinctive language, using the same currency, weights and measures, postage stamps, etc., having general ideals of government and domestic life in common would have traits inherited from different pasts and produced by different environments, which might, in proportion as they were perceived and appreciated, satisfy man's appetite for variety. But assuming that they did not, the loss of some of the pleasure of travel could not be seriously compared in importance to the unification of the world.

Removing the obstacles to the growth of world spirit may be promoted by journalism.

Men of different countries and zones generally

know each other today by means of the Press. Only the very few have opportunity, in spite of the enormous development of commerce, to make the acquaintance of foreign peoples and lands by personal observation. Whatever they learn about them they get from the daily papers. In this way the Press has become the most important medium of communication. It forms views and judgments which spread with extraordinary speed over the whole earth. . . .

The man who kills by poisoning is not only he who pours out the poison that may kill, but also he who prevents an antidote from being admitted in time. That is the tendency of the sensational press. It prevents the masses from obtaining the information that would pacify them and give them a more correct view of the life and activity of neighboring nations.[1]

A periodical devoted to World Unification might contribute materially to the discussion and solution of its peculiar problems and give the movement more or less impulse and guidance. To serve these two purposes it should embrace the world as a whole, treating its affairs, not so much from the international as from the world or world-national, point of view. Its primary function should be to interpret national and international occurrences, as world tendencies or symptoms, as influences for

1 A. H. Fried. First Universal Race Congress, London, 1911.

or against the unification of the world. Its correspondents in the several countries should furnish it the motives of nations, uncolored by any policy of the paper or of the country in which its principal office may be located. It should afford what Peace Societies do not, a forum in which World Peace may be opposed as well as supported; in which its theories may be contested as well as asserted; in which the plans of Arbitrationists and Judicial Settlers may be criticized as well as advocated and commended; in which the grand problem of this age and the proposed solutions of it, may be viewed in every light and from every side. The paper should be published simultaneously in various countries—if possible, in all countries.

The engendering of a world people might be promoted by the establishment of a world city, with the idea of its developing into a world capital. The nations should agree on the site and the form of municipal government, and cooperate in its financial support. Among its edifices or premises should be the main offices of the principal international activities, such as the postal union and the numerous scientific, linguistic, historical, and other international

societies, meeting-rooms for courts of arbitration, a stadium for international contests, and museums and libraries devoted especially to instruction in what may be called world subjects. Among its active institutions should be:

1. A Census bureau maintained by the nations of the world for the publication at regular intervals of a World Census and World Atlas.

2. A world school of world history.

3. A world commission or conference charged with drawing up a world constitution or compact, as the first step towards political world union.

But the world city should not undertake to contain all the leading minds and influential associations of the world. It should be a focus rather than a locus; a center of reception and distribution, a clearing house, rather than a factory.

The societies whose headquarters it included need not meet there; the great discoverers, the leading artists, need not work there, but their achievements, wherever they may take place, should be recorded there and published to the world.

A plan for the city, somewhat more elaborate than here indicated, has been worked out, to the inclusion of its architectural and engineering features, by Mr. H. C. Andersen, of Newport, R. I. Mr. Andersen was born in Norway, but came to this country as a child.

I was brought up, he says, in a part of Newport where people of a good many different nationalities lived, and they did not always live in complete understanding or harmony. Even as a child I thought how nice it would be if those different kinds of people knew each other better, how much of benefit they might derive from each other. That idea grew larger as I grew older, but that childish idea was behind it all. And as I have grown older, I have seen this international spirit and mind growing in men more and more, and I can't see but such a city as I propose is inevitable.[1]

Mr. Andersen has given his project to the world in the form of a sumptuous *volume de luxe,* about double quarto in size, printed on hand-made paper, with illustrations in sepia from intaglio photogravure plates. But 500 copies of this work have been printed, at a cost of about $600 per copy. These have been pre-

1 "The Boston Sunday Globe," July 26, 1914.

sented to the governments of the world; to emperors, presidents, kings, the more prominent statesmen, and the principal libraries. There is one in the New York Public Library as well as in the Library of Congress. To quote from the author's introduction:

> Humanity awaits with eager eye and attentive ear the rhythmic pulsation of united life, feeling assured that progress now means concentration and that concentration requires centralization—a centralization of all human efforts for the amelioration of mankind.
>
> * * * * * * *
>
> Such an international Centre as is here planned and presented for the purpose of assimilating and distributing intellectual and scientific knowledge from all people to all people, would go far towards creating peaceful economic relations, as well as towards facilitating practical cooperation between all men and all nations.[1]

The architectural *motif* of this conception is a gigantic Tower of Progress rising to a height of about 1,200 feet and containing office rooms for international societies. Its basement is to accommodate a World Press.

1 "Creation of a World Centre of Communication," by H. C. Andersen, 1913.

The tower stands in a circular space about which are grouped a Hall of International Justice, a Temple of Religions, an International Bank, and a World Reference Library. From this monumental Centre, streets radiate to the city limits. The broadest and finest of these is The Avenue of the Nations, at the other end of which, between a Conservatory of Music and a School of Fine Arts, are the Fountain of Life and Temple of Art. The area of the city is to be about 10 square miles. Among the places considered by Mr. Andersen as a possible site for it are the coast of New Jersey near Lakewood, the shore of the Mediterranean near Rome or of the Sea of Marmora near Constantinople, the Riviera near Frejus, the vicinity of Paris, of the Hague, of Brussels, of Berne, of Cannes, and one of the Azores or of the West India Islands.

With respect to internationalism, Berne is to-day the capital of the continent; the various international bureaux are established there, such as the International Postal Union of 1874, the Telegraph Union of 1865, the International Railway Union of 1890, the International Union of Patents, Copyrights and Trade Marks of 1882. There are other places having various bureaux, but Berne con-

tains the largest number. Paris is the seat of the International Bureau of Metrical Weights and Measures; Berlin of International Geodesy, Brussels of International Customs, Tariffs, etc. . . . Constantinople, the centre of the Old World, is by this distinction at the heart of the struggle between the East and the West, while Prague, the geographical centre of Europe, being nearer all the continental capitals, is more logically the point geographically suited to being the site of international parliamentary organization.

Berlin is the intellectual capital of Europe, with its collection of scientific and economic data; Paris, the artistic capital, with its treasures of living art.[1]

A Resolution introduced by Senator La Follette in the U. S. Senate on the 8th of February, 1915, suggested a conference of the neutral nations for the preservation of their maritime rights, "And for such other and further action as may tend, however remotely, to establish permanent world peace." May this conference come to pass and immortalize itself by removing obstructions and giving the needed impulse to the formation of a world people.

1 "La Paix par l'Organisation internationale," by V. H. Duras, pp. 113, 114.

V

A WORLD STATE

World Confederacy

A CONFEDERACY or Confederation differs from a League or Alliance in having a common government. Its congress or parliament is a political as distinguished from a diplomatic body. The principal difference between a confederacy and a nation lies in the relation of the people to the general government. In a confederacy the people are citizens only of the several component states, or subjects only of their respective sovereigns; in a nation, they are citizens of the nation as a whole, or subjects of the national sovereign. In a confederacy the laws of the general government apply to the governments of the several states and only indirectly to their citizens or subjects; in a nation they apply, in considerable measure, directly to the

citizens or subjects themselves. A confederacy derives its governmental powers as a league derives its diplomatic powers, from the governments of its component states. Among the Articles of Confederation agreed upon by the delegates of the Anglo-American states in 1777 were the following:

3. The said states hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

4. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these states,—paupers, vagabonds and fugitives from justice excepted,—shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall have free ingress and privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State of which the owner is an inhabitant; provided also that no imposition, duties, or restrictions shall be laid by any

state on the property of the United States, or either of them.

While thus prohibiting a state tariff on state or United States "property," these provisions allowed such imposition on private property. This check to free intercourse between the peoples of different states was one of the evils which caused the transformation of the Confederacy into a Nation.

World Nation

The government of a nation derives its power from the people, from the monarch, or from a privileged class, according as it is democratic, absolute, or autocratic. Whatever the form of government, the people must be united. In a confederacy there may be several peoples; in a nation, there can be but one.

World evolution through the stages of alliance and confederation, with incidental development of trade and migration, may not remove all racial prejudices, but may come near enough to it to admit of a common world citi-

zenship. For social solidarity is not necessary to political solidarity. Only those who would learn to swim before they go into the water would argue for postponing the federation of the world until its people are equal to all the duties and responsibilities of world citizenship. That attainment must come through experience as world citizens. The Constitution of the United States adopted in 1789 provided for, but only half created, a United States citizenship. That status was first made truly national by the vicissitudes of the war of 1812. It was injured by judicial decisions respecting slavery, but was restored and strengthened by the ordeals of the four years of Civil War and the consequent amendments of the Constitution. Since then it has been developed by constitutional interpretation and legal decisions and the ever broadening life of the nation and the people.

The Constitution says: "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."[1]

[1] XIV Amendment.

From this Article the following points may be deduced:

1. That naturalization is of no effect unless the party concerned is "subject to the jurisdiction" of the United States.

2. That under this condition, naturalization includes nationalization, it makes one a citizen of the United States.

3. That even under such condition, naturalization does not make one a citizen of any state. To acquire that status, one must in addition to being naturalized, take up a residence in some state. One may thus be a citizen of the United States without being a citizen of a state, but not a citizen of a state without being a citizen of the United States. A state, to be sure, may put its aliens on a political footing corresponding to that of citizens of the United States, may concede to them all the rights and privileges of a citizen of the United States, for use within the limits of the state, but this would not make them either United States citizens or state citizens in the sense in which such terms are used in the constitution. It would not entitle them to sue as citizens in a court of the United States, or to profit by the constitutional pro-

vision that "The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."[1] It would make them what may be called special as distinguished from regular, citizens of a state.[2] The only regular citizen of a state is one who is primarily a citizen of the United States. An alien can acquire United States citizenship only by naturalization under the authority of the United States,[3] and state citizenship only by virtue of national citizenship and residence in a state.[4] Among the rights of a citizen of the United States, as well as of a citizen of a state, is that of migrating from state to state. This is recognized or implied in the constitutional provision that "The Congress shall have power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." [5]

Commerce with foreign countries and among the states, strictly considered, consists in intercourse and traffic, including in these terms nav-

1 Art. IV, sec. 2, 1; Dred Scott v. Sanford, 19 Howard (U. S.) 405.
2 Davis v. Pierce, 7 Minn. 13.
3 Sec. 2165, Compiled Statutes; Dred Scott case, 19 How. (U. S.) 393.
4 U. S. v. Villato, 2 Dallas (Pa.), 370; Chirac v. Chirac, 2 Wheaton (U. S.) 269.
5 Art. I, sec. 8.

igation and the transportation and transit of persons and property.[1] In every state, moreover, a citizen of the United States is protected by the provision: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." [2]

Naturalization in the United States is allowed only "to aliens being free white persons and to aliens of African nativity and to persons of African descent." The phrase "white persons" has been construed to refer to race rather than to color, and so to include such people as Mexicans, Armenians, Parsees, Syrians, and to exclude Chinese, Japanese, Hawaiian, Kanakas, etc.[3]

Porto Ricans, and presumably Philippinos, are technically neither aliens nor citizens of the United States. They have a status peculiar to themselves, for a description or designation of which existing vocabularies contain no word. It has been suggested that they be called "appurtezens" after the word "appurtenant" used

1 County of Mobile v. Kimball, 102 U. S., 702.
2 XIV Amendment, §1.
3 "Privileges and Immunities of Citizens of the United States," by A. J. Lien, p. 20.

by the [Supreme] Court in defining the position of the insular territory.[1] "Appurtezen" may sound better in American ears than "subject," but the latter seems a fitting designation sufficiently appropriate for our use.

Virtually all people to-day are either citizens or subjects. In either case they owe allegiance to some political superior and are publicly guaranteed certain personal, or nonpolitical rights, such as life and liberty. So far there is no essential difference between them. But when it comes to political status, the citizen differs from the subject by his participating, indirectly, if not directly, potentially if not actually in a government.

In Great Britain there is no imperial citizenship, for there is no imperial government. The bestowal upon an alien, of the privileges and responsibilities of a British subject is effected by colonial or by royal authority; that is, by authority of a colony or by authority of the United Kingdom of Great Britain and Ireland. In the former case, it applies only within the colony in which it takes place. An alien naturalized in Canada ceases to be a Brit-

1 Downes v. Bidwell, 182 U. S., 287, 300.

ish subject when he goes out of Canada, whether he remains in or goes out of the British Empire. An American naturalized in Canada would, in such a case, revert to his American citizenship, unless it were forfeited by laws of his American fatherland. In that event he would be without a country until he returned to Canada or acquired a citizenship elsewhere.

In case of naturalization under the laws of the United Kingdom, the question whether the citizenship thus acquired would be valid outside of the Kingdom and within the Empire, has not been decided.[1] Whether it be so or not, it would not secure admission to any dominion outside of the Kingdom. No British subject is free to migrate from one part of the Empire to another, unless he can satisfy the requirements of the local immigration law.

In Germany imperial citizenship is a recent creation. The original constitution adopted in 1871, guaranteed to the people the right to migrate from state to state and to be treated in each state as one of its own people (*als Inländer*).[2] "As against foreign countries," it

1 "Quart. Rev.," Jan., 1914, p. 2.
2 Art. 3, § 1.

said, "all Germans are equally entitled to the protection of the Empire." [1] But it recognized no citizenship other than that of a state. By a law of July 22, 1913, amending the Constitution, citizens of German states are made citizens of the Empire or imperial citizens; and foreigners are permitted to acquire imperial citizenship or both state and imperial citizenship. As in the United States, there may be national citizenship without state citizenship, but not the converse. The chief executive of the German empire is not Emperor of Germany, as the king of the United Kingdom of Great Britain and Ireland is King of the British Dominions beyond the Seas and Emperor of India. The title of William II is *German Emperor, King of Prussia,* etc. Emperor of what? Emperor of Germany, but German Emperor of Germany, as distinguished from sovereign Emperor of Germany. He is not for Germany, as monarchs are generally for their dominions, the source of Sovereignty and fountain of Justice. Prussia, he may rule as the King of Saxony and the King of Bavaria may rule, by divine right; but Germany, he can

[1] Id., 16.

only govern or administer by authority vested in him by the imperial body politic through the imperial Constitution. He has no inherent powers. His powers, like those of the President of the United States and of the governors of our states, are wholly delegated.

Austria-Hungary is called a dual monarchy. It differs from the German empire in being a confederation, as distinguished from a federation.

Besides Austria and Hungary, the dual monarchy includes as a dependency the province of Bosnia-Herzegovina. This country has no representation in the dual government, and may be disregarded in this discussion. The sovereign of Austria-Hungary is one in person, but two in office, one personally but two officially. His title is "Emperor of Austria, King of Bohemia, etc., and Apostolic King of Hungary." He begins his reign with two separate coronations—one at Vienna, where he takes an oath before the Austrian Parliament as Emperor of Austria and one at Buda-Pesth, where he takes an oath before the Hungarian Parliament as King of Hungary.[1] He takes

[1] "Governments and Parties in Continental Europe," by A. L. Lowell, II, 163.

no dual oath, goes through no installation, as dual monarch, as Austro-Hungarian Emperor or King. He is supported by a dual ministry, consisting of a minister of foreign affairs, a minister of war, and a minister of finance.

Austria-Hungary's legislature is as dualistic as its executive.

> The deliberative body of the dual monarchy is one of the most extraordinary political inventions of modern times. It consists of two delegations—one from Austria, the other from Hungary, each composed of sixty members. . . . In everything that relates to their sessions and procedure the most scrupulous regard is paid to the equality of the two countries. Their meetings, for example, are held alternately at Vienna and Buda-Pesth, and the proposals of the government are laid before both bodies [delegations] at the same time.[1]

The two bodies debate and vote separately, but the action of neither is operative until approved by the other. Each one consequently communicates its enactments to the other. In case of a deadlock, the two bodies meet in joint session, where they vote but do not debate together.[2] The Austro-Hungarian parliament

1 Id., 164.
2 Opus cit., id.; "Handbuch des österreichischen Verfassungsrechts," by Rudolph v. Herrnritt, p. 235.

is a symbol and preserver of duality, and only incidentally, as resulting from this very duality, a factor of unity. By its permanency and efficiency it has signally illustrated the paradox of imperialism, that in disunion as well as in union there is strength.

In the dual monarchy there is an Austrian citizenship and a Hungarian citizenship, but no dual or Austro-Hungarian citizenship.[1]

A commercial treaty between Hungary and Austria, renewable every ten years, secures free trade between the two countries. A protective tariff envelops both countries and binds them to each other. Migration between Austria and Hungary, immigration to either Austria or Hungary from a foreign country, and naturalization as a citizen of either monarchy, are regulated by each monarchy for itself, except so far as it may be done by treaties with foreign powers. To that extent it is regulated by the dual or Austro-Hungarian government. No serious friction or inconvenience results from the local regulation of migration, as it is done strictly on the principle of reciprocity.

1 "Handbuch des österreichischen Verfassungsrechts," by Rudolph v. Herrnritt, p. 62.

The federal union of the United States rests upon the two fundamental principles of local autonomy and common citizenship. In our pending controversy with Japan over the California land laws, the principle of states' rights appears to conflict with the provisions of a treaty assuring certain privileges to Japanese subjects in the United States. Our government can not recognize a treaty as superior to our constitution.

. . . There is no law of nations standing between the people of the United States and their government, and interfering with their relations to each other.[1]

We ought to do one of two things: either make amends to Japan, for violating our treaty obligations or amend our constitution, so that we may constitutionally fulfil those obligations. In the latter event we should act for this particular case and for a limited time, so as not to establish a precedent. But in either event, we should see that our state department is put on a basis of efficiency that will keep us

1 Dred Scott vs. Sanford, 19 Howard (U. S.), 451.

in the future from entering into treaty stipulations which our constitution will not permit us to abide by.

Whatever may be the advantages of absolutism or oligarchy with respect to foreign war, general culture, economy, etc., when it comes to stability, to exemption from internal disturbances, to disruption or civil war, there is no system of government so efficient as that of a republic based on democracy. It reduces to a minimum the liability to sedition, and raises to a maximum the public sentiment and power ordinarily available for its counteraction and suppression. But these factors of unity and strength depend, at least in large nations, upon the people being left or allowed to regulate for themselves the affairs of their separate communities, upon local autonomy. The larger the nation, the more important this feature of federation becomes. It is the secret of the surprising unity manifested by the Austro-Hungarian Empire in the present war.

Austria stands for freedom of race, nationality and creed in the East of Europe. "There is hardly a spot on God's earth where conflicting races may enjoy as much freedom as the

Poles, Ruthenians, Czechs, Croatians, and Armenians in the Austrian Empire."[1]

No world government can endure that does not provide for world citizenship and at the same time insure for the several nations all the autonomy that consists with necessary central authority. The fallacy of most of the speculation on the re-organization of the world comes from leaving the people out of consideration, as for instance in the following suggestions with which our most eminent pacifist has favored the governments of foreign nations.

Let the rulers meet often, as friends desirous of drawing their people closer together; secretaries of state, especially, paying reciprocal visits. Arrange frequent meetings at the different capitals, of each small group of officials concerned in this problem, discard distrust, and learn to trust each other, and the chief nations will soon begin to act in unison, drawing the others with them into international peace.[2]

1 "Austria of the Austrians and Hungary of the Hungarians," by L. Kellner, Madame Paula Arnold, and Arthur L. Delisle, 1914, p. 41.

2 "The World's Unsolved Enigma," by Andrew Carnegie. Pamphlet sent as a New Year's greeting to the various embassies and legations at Washington and through them transmitted to the chief executives and ministers of foreign affairs of their respective nations, 1913.

In a plea for universal peace which the same gentleman addressed to the press on the last day of 1914, under the title: "War abolished, Peace enthroned," he goes so far as to recognize "enlightened people," as possibly a factor in his projected reform. He says:

> Is this, the most terrible, the most destructive and most uncalled for of wars to be the last between civilized nations? It certainly should be and can easily be made so, and the world thus cleared of its greatest crime. . . . Surely, after an armistice is established between the nations now unfortunately at war, the majority of enlightened people in all civilized lands will realize that permanent world peace would be Earth's greatest blessing and is entirely practicable through a union of a very few powerful nations pledged to maintain it, and inviting all other civilized lands to become members thereof.[1]

At the instance of President Wilson, a number of nations have agreed with the United States to abstain from going to war until the question in dispute has been investigated and reported on by an international commission. It is the policy of the administration to negotiate treaties to this effect with as many powers as possible. Twenty-eight such treaties have

1 "N. Y. Times," Jan. 1, 1915.

been signed but only ten ratified. With characteristic optimism this policy is called by pacifists "The Wilson-Bryan Peace Plan."[1] All that it guarantees, however, is deliberation. It may be regarded as a Deliberation Plan. Advocating it before the Inter-Parliamentary Union at London in 1906, Mr. Bryan said:

> . . . It gives opportunity to mobilize public opinion for the compelling of a peaceful settlement, and that is an advantage not to be overlooked. Public opinion is coming to be more and more a power in the world. . . . If time is given for marshaling the force of public opinion, peace will be promoted.

Here again we have the wish father to the thought. Peace is wished for and may be commanded by a pacific public opinion, therefore public opinion is pacific. But, alas; while public opinion is to be marshaled for peace, it may instead be marshaled for war. At the same time, the troops and fleets may be mobilized and increased in number and efficiency. The effect of the Plan may be simply to postpone war, making it more destructive, at least in its first stage, than it would otherwise have been.

1 "World Peace Foundation," Pamphlet Series, Vol. 3, No. 11, Part 1.

Moreover, while the Plan, as advocated unofficially, contemplates the action of public opinion, the official agreements, the treaties by which the plan is to be carried out, do not recognize any such influence. There is nothing in them that requires the proceedings of the commission to be public or their conclusions published. It may, however, be supposed that in most cases both will be open to the public or given to it, and so the Plan may prove a contribution to the practice, as well as to the theory, of diplomacy. Theoretically it makes the public a factor in foreign affairs; it lets the people decide the question of peace or war, and with the abolition of secret treaties, may bring them to their own as masters of their national destinies. So far, however, as World Peace is concerned, it is a discouraging fact that the only two nations with which we have a difference of the first magnitude, Japan and Colombia, are not even among the signers of the Deliberation Treaty.

Pacifists have enlarged on the Hague Court, the International Prize Court, and the projected Court of Arbitral Justice, as the beginning of a Supreme Court of the World, and on

the Inter-Parliamentary Union as an embryonic World Legislature; they represent the Parliament of Man, the Federation of the World, as in sight; for a legislature and judiciary once developed, an executive agreed upon, and a small percentage of the armament of the world—Mr. Edwin Ginn suggests 10 per cent.—subjected to the central government, and the thing is done. What the people of the world would say to all this or what they would do upon its accomplishment is not considered. A nation is assumed, it would seem, to consist of a government; a world nation, of a world government. If the formation of a nation were such a simple thing as the formation of a government, every school of political science, every college and university, could turn out accomplished statesmen; for their graduates could all have practised the administration of a government without a people; the countries of Latin-America need not have been vexed with civil strife and torn by revolution through the last four or five generations, for they have had admirable constitutions and political institutions, and statesmen thoroughly versed in the science, history

and philosophy of government. The trouble with each of those countries, so far as these remarks apply to it, is that the government is not suited to the people. There are people for whom the proper government has not yet been devised and may perhaps never be devised. For these the only hope is education or immigration. The world as a whole is in the same situation, except that its only hope is education. The devising of a world judiciary, world legislature, world cabinet, world army and navy, etc., can lead to nothing so long as there is not even the germ of a world people, and no provision for creating and developing one. In no country or community is order maintained by law and force alone. All the police and militia of New York State would not suffice to preserve order in New York City, if its population were made up of militant anarchists. There must be a sentiment pervading the people which makes a large proportion of them observe the law without compulsion, and disposes them to come to the aid when necessary, of the police or military, as the arm of the law.

. . . In reality, says a distinguished American historian, what is a nation? No definition borrowed

from ethnology or political science seems to answer the question, for nationality rests upon more than blood or physiognomy or shapes of skulls; there is no cephalic index of the spirit. A nation implies more than subjection to a government or than inclusion within geographical limits; it means, as Mazzini declared, a body of people united in a common duty toward the world; it involves, if it be real, the all absorbing and the common possession, of ideals and beliefs. If the free state is, as Thiers once said, a moral being which thinks before it acts, the fully self-conscious nation is one permeated by certain hopes and purposes upon which it lives and to which it devotes its life. You cannot have a nation without a common property in things of the mind and the soul.[1]

It would be easier to-day for all white nations to merge into one than for them separately or collectively to admit Chinese, Japanese and other colored people to citizenship. Considering that the colored race constitutes about half of the population of the globe, the prospect for the formation of a world nation is not dazzling. But it is brightening. The white race is increasing in number, and the colored race decreasing, at least relatively speaking. This fact is due partly to the more ad-

1 "Annual Address before Am. Hist. Assoc.," Dec. 29, 1914, by President A. C. McLaughlin.

vanced civilization of the white race and partly to the discoloration of colored blood by miscegenation.

Inter-breeding is making rapid strides in all parts of the earth. From North and East Africa, Arabs and peoples of the Berber stock are pressing upon the negroes, of whom the most remote tribes to the southern extremity of the continent show in their Semitic features how long these influences have been at work. In the place of the Hottentots we find the Bastaards, European half-breeds.

In Canada nearly all the French settlements show traces of Indian blood, in Central and South America the Mestizos and Mulattoes are already stronger than the full blooded Indians; in Oceania, Malays and Polynesians are crossed with the negro of the Pacific; throughout Central Asia there is a mixture of Mongol, Chinese, and European blood, reaching far in the direction of Europe and affecting the whole north and east of one-quarter of the globe. . . . . If there is any consolation in the universal disappearance of native races, it is the knowledge that a great part of them is being slowly raised by the process of inter-mixture. To be sure, people like to repeat a statement professedly based on long experience, that in half-breeds the vices of both parents predominate, but a glance at the national life of the present day is enough to show that Mulattoes, Mestizos, Negro and Arab half-breeds, stand in America and Africa above Indians and Negroes.

. . . The spread of civilization appears as a self-

accelerated spreading over the world, of civilizing races, ever striving more completely to effect that unity of the human race which constitutes at the same time its aim and task, its desire and hope.[1]

The prejudice of the white race for the colored comes largely, especially among Anglowards people whom one has enslaved and otherwise wronged. As the colored people become able to assert and protect their rights, they grow in compatibility with their white brethren.

[1] "The History of Mankind," by Friedrich Ratzel, I, Book 1, Sec. 2.

VI

CONCLUSION

WAR must have had its origin in a racial contest, in struggles between primitive man and wild beasts, and developed into contests between civilized and uncivilized communities, and finally between civilized communities. The separate states, growing up independently, in different regions, having little intercourse with one another, naturally developed the principle of sovereignty. It was necessary to their protection from external influences which they rightly or wrongly considered as corrupting or debasing. As intercourse between peoples and nations increased, civilizations became less unlike and peoples more tolerant, of such differences as remained. The fate of a conquered people, of being subjected to alien rule,

has lost much of its old time terror. Change of nationality is not, generally speaking, the calamity that it used to be. Voluntary transfer of allegiance is a common occurrence. What aversion there is to it is becoming more and more a matter of sentiment and less a matter of reason. But national patriotism is still a people's loyalty to institutions and customs that are necessary to their contentment and which would or might be suppressed under any but their own sovereign government. International Peace is possible only as an enlargement or expansion, of national peace; peace beyond national borders is attainable only as it is attained within them; peace among the nations can be secured only as it is secured among the states and provinces of a nation. Nothing short of world sovereignty, which means the abandonment of national sovereignty, will suffice for a world nation, which alone can give assurance of World Peace. If then, universal peace is ever brought about, it will be, not by judicial, arbitral or any other mode of settling questions between sovereign states, but by the obviation of such questions, by their elimination from human affairs; it will be, not Peace

by arbitration, nor Peace by Justice, nor Peace by Agreement, nor Peace by Compulsion, but Peace by Government; which means for the world, one people, one sovereignty, one country.

Has the idea of surrendering national sovereignty to a world government been anywhere subjected to a *plebiscite?* It has not reached the point of being considered by responsible statesmen. It is safe to say that it could not be discussed at a Hague Conference or an Inter-Parliamentary Congress without breaking up the meeting. The circular of Count Mouravieff, Russian Minister of Foreign Affairs, suggesting a program for the first Peace Conference at the Hague, says:

> It is well understood that all questions concerning the political relations of states and the order of things established by treaties, and in general all questions not expressly included in the program adopted by the cabinets, are to be absolutely excluded from the deliberations of the Conference.[1]

For the effective policing of the world, there must be a citizenship which will not merely tol-

[1] Translated by the author from the French. "Les Deux Conférences de la Paix" (1909), p. 3.

erate, but will respect and support, a world government; there must be an allegiance to the world government on the part of Frenchmen, Germans, Britons, Americans, superior to the allegiance that binds them respectively to the governments of France, of Germany, of Great Britain, of the United States, and a feeling on the part of Frenchmen towards Germans and Germany, of Russians towards Britons and Great Britain, corresponding to the feeling of New Yorkers towards Virginians and Virginia, of Californians towards Texans and Texas. The citizens of the pacified world must be able to say literally, as William Lloyd Garrison said figuratively: "The world is my country, my countrymen are all mankind."

The crisis in the world's progress towards unity and peace will be a struggle between the idea of national sovereignty and that of world sovereignty. The contest of these two ideas for world supremacy has hardly begun. World nationalists are few, and have done little or nothing in the way of agitation. They are not welcomed or encouraged by the regular Peace People, who with the advice and assistance of international lawyers, are laboring on

a Peace Plan based upon so-called International Law and therefore on national sovereignty. International lawyers have the same interest in national sovereignty that soldiers have in war. National sovereignty is what they live and thrive on. Without national sovereignty the career of an international lawyer would be about as dark and void as that of a soldier without a prospect of war. To abolish these things is to reduce the international lawyer to an attorney and the soldier to a policeman. For a long time soldiers have been held up to popular opprobrium, for selfish disingenuousness in apologizing for war. It has apparently not occurred to any one to suspect the motives of international lawyers, who so earnestly defend national sovereignty.

Most of the reasoning about world organization proceeds from the premise of national sovereignty, in express or tacit denial of the possibility of world sovereignty. For instance:

> . . . Universal society, comprising all men, has been hitherto, and will be how much longer, a pure chimera.[1]

[1] "La Paix perpétuelle et l'Arbitrage international," by L. Le Fur, p. 27 n.

It is a fallacy to suppose that by widening the peace-group more and more it can at last embrace all mankind. What happens is that as it grows bigger, differences, discords, antagonisms, and war begin inside of it on account of the divergence of interests.[1]

It is impossible to establish universal monarchy or a republic of the states of Europe, because the several peoples will never unite in a single nation.[2]

The scarcity of literature on the subject of a world state warrants a mention of two pleas for that innovation which lately appeared in our metropolitan press: One by D. P. Kingsley [3] and one by C. P. Fagnini.[4] The latter was expressed in part as follows:

Peace and disarmament are by-products. They will come as a result of the federation of the political units of the world, not before and not otherwise.

. . . The present war exhibits nationalism at its highest and at its worst. What is happening now must needs happen again unless the present independent, individual, sovereign states surrender their sovereignty by becoming members of the Federated States of the World.

1 "War," by W. G. Sumner, "Yale Rev.," Oct., 1911.
2 "Ressaisissez-vous," by Leo Tolstoy.
3 "Sun," Jan. 1, 1915.
4 "Sun," Jan. 3, 1915.

This will come about when a sufficient number of citizens in the different nations begin to realize that it is the only possible solution of the world's political problems, the only way to abolish armaments and war, and the logical and necessary continuation of a process that has been going on throughout the centuries. Practically all the political units of to-day are made up of smaller units formerly independent and belligerent. The British Empire, the German Empire, the United States, the Swiss Republic, are the most prominent examples. The next immediate practical step that lies before us is the issuance of a call to a world constitutional convention. Out of this in due course, will come a world constitution, a world president, legislature, capital, supreme court, land and sea police, official international language, international money, postage stamps, transportation and whatever else it is deemed desirable to internationalize.

The only war possible under such conditions would be, conceivably, an occasional war of secession quickly suppressed.

This presentation of the world nationalist's ideal is characteristically optimistic. It makes light of, or ignores, the task of converting national citizens into world citizens, sovereign states into federal states. The Federation of the World, it says, "will come about when a sufficient number of citizens in the different nations begin to realize that it is the only possible

solution of the world's political problems, the only way to abolish armaments and war." All the citizens of all the nations may have fully realized this truth, and yet not be world citizens.

The two sovereignties are incompatible with each other. In the United States people speak of sovereign states: there is but one sovereignty. The states have certain powers which are exercised by sovereign states and which, according to a school of Constitutional Law, were once exercised by the separate states as prerogatives of sovereignty, but that was before the United States became a nation. Investing the United States with sovereignty divested the state of that attribute.[1]

Pacifists and world nationalists agree in considering war as an anachronism, and desiring its abolition, but while pacifists seek peace directly by agreement not to fight, world nationalists would seek it indirectly by the formation of a world nation. The way of the pacifists may seem the shorter one; to the world nationalists it appears as a short cut destined to prove the longest way around. The harmonizing of

1 "Lee's Centennial," an address by C. F. Adams, 1907, p. 8 et seq.

the various peoples of the world, their combination into a world people, is not a task for a conference or a parliament; it may be somewhat promoted, but it can not be accomplished by decrees or resolutions. It must be essentially a spontaneous development, a growth, an evolution.

Will the nations advance directly upon the common goal of world union or approach it through forms of minor unions, such as the United States of Europe, the United States of Asia, the United States of Africa, the United States of America? What in particular will be the form of government, the constitution of the world nation? It is for masters of statecraft, for the patriots of preeminent destiny, for the Washingtons, the Jeffersons, the Hamiltons, the Bolivars, the Steins, the Bismarcks, the Cavours of the world—an order of statesmen yet to be conceived, born and reared—to answer these questions; to initiate, direct and regulate the final reconciliation of rival nationalities; to gather them into inseparable unions of indestructible states; and to consolidate these into a single vigorous prosperous commonwealth.

Perhaps the first act of a world government should be to take over the control of all colonial dependencies, converting them into world possessions, to be developed into new nations or parts of existing nations as they may elect.

A suitable name for the world state would be The United Republics, or the United Nations of the World. The nations would be, like our states, not sovereignties, but provinces. The central government would guarantee to each and every one some form of popular government and afford it protection on demand against insurrection or rebellion. The world state will include a world citizenship. There will be no such thing in it as an alien or a foreigner. Everybody will be a natural born citizen of it. For the world country, a flag has been devised, in which the seven colors of the rainbow "represent the past age of individualism, dispersion, segregation, strife and war," and a band of white, "the harmony and oneness of all these divisions." [1]

The geographical isolation under which the United States established and developed its

[1] "The Rainbow, a World Flag for Universal Peace," by J. W. Van Kirk.

government accounts in large measure, for its coming nearer than has any other state to the ideal form of government for the world. An American jurist, writing on World Peace, says:

> As the principle of free and enlightened government goes on spreading among the nations, we hear of the Americanisation of the World, and leading men cast looks of fear upon American progress. But if we stop to consider that America is but the commixture of the best blood of Europe, and that it devolved on the West to accomplish great things, that the theory of democratic government was itself expounded by Europeans, although it fell to American soil to nourish that idea and put it into practice, we might well call America a "European America."[1]

To these sensible remarks it may be added that the furnishing of a model is not the only service to be rendered by a nation to the cause of world organization. The immediate need is specifications, or illustrations of intermediate forms through which to arrive at the final or perfect one. Here all the great nations furnish valuable suggestions. For a beginning in the way of confederation, we have examples in Great Britain and Austria-Hungary. Next

[1] "La Paix par l'Organisation," by V. H. Duras, p. 107.

comes Germany, which with its federal states, national citizenship, and non-sovereign executive, comes nearer than any other to the political system of the United States. France, Russia, Italy and Japan may be classed together as unitarian, having neither federation nor confederation, and standing preeminently for centralization coupled with national citizenship or subjecthood.

In this connection an important consideration for us United States Americans is this, that our government can not be merged in a world government, that no branch of it can be subordinated to another government without a radical change in our constitution.

Our recent ratification of the convention establishing an international Prize Court was qualified by a reservation asserting the immunity of our judiciary from international review. Decisions of our Supreme Court or of any other U. S. Court are not reviewable by this projected world court.

The Constitution of the United States left our government no choice but to refuse to allow appeals from our Federal Courts; but judging from the readiness with which fourteen nations have concurred in

approving our protocol, they too have a suspicion of constitutional difficulties of their own. Apprehension of the international principle being pushed so far as to threaten the independence of their judiciary may also have influenced their acquiescence in the position of the United States. It seems passing strange that the famous publicists at The Hague should not have foreseen the probability of constitutional objections to the schemes of unquestionably benevolent intention to which they gave their assent.[1]

It behooves our people to watch closely the visionary reformers who seek by resolutions of Peace Congresses and agreements among chancelleries to divest the United States of its sovereignty, and make it a province in an unknown country. Let us see that we are not deprived of our political birthright without our knowledge and consent; that when we surrender it, if we do, it be with our eyes open and with every guarantee of coming into an estate equal to or better than the one that we relinquish. Until then we should consider it our paramount duty to ourselves and our posterity to hold firmly to our national sovereignty, prizing and preserving it as the vital principle of our political life. At the same time we may

1 "Boston Transcript," Sept. 22, 1913.

contemplate its renunciation, and look for eventual World Peace, but let us do so, not with an international mind, but with a world mind. A new word has been coined for a new quality —*worldism*. Internationalism implies national sovereignty, and national sovereignty means international war; worldism implies world sovereignty, and world sovereignty means international peace. Internationalism is an abstraction on which nothing substantial can be based. The World is a reality on which may be erected the grandest and most perfect government that it can be given to man to live under—better, wiser and therefore more durable, than any possible national government, one that will unite the nations of the world in the execution of a world polity looking to the welfare and happiness of all mankind.

How shall the world prepare itself for world sovereignty without undermining national sovereignty to the serious detriment of society? This question is answered by the history of Empire. The operation may be traced through the growth of the present dominions of Great Britain, of Germany, of France, of Italy, of Austria-Hungary, of the United

States. What nations have done the world can do.

Under a world government, foreign affairs, diplomacy, and so-called International Law will be things of the past. There may indeed be laws corresponding to the rules that govern our interstate commerce commission, but they will be statute laws, real laws. Except in name, they will bear no resemblance to what we now miscall International Law, the recognition of which is a negation of all world law. The great incentive of international conflict, competition for the possession of markets, will be forever abolished. All markets being open to everyone, it will be a matter of indifference to whom they belong. World federation means an increase of individual freedom. It will release men from the restraints and relieve them of the burdens imposed upon them by the political and military exigencies of war, and bring about a more general recognition and wider application of the principle that the best government is the one that governs least. The function of government will be reduced nearer than ever before to protecting the individual against his neighbor, to securing men and wo-

men in the exercise of their inalienable rights of life, liberty and the pursuit of happiness. The world state will be governed by individuals for the individual. What democracy has been to Americans, individualism will be to—what shall we say?—to Worldians. How visionary, what moonshine, in the minds of hosts of people! What a work is cut out for those who may undertake to vindicate it! An idea may be formed of it from the following typical pronouncement on World Peace:

> . . . There is only one way to stop war and that is for one great power first to disarm the whole world and then to see to it that no one shall again take up arms. Universal tyranny may create universal peace. Nothing else will. We know, of course, all that can be said about that tyrant being an international committee, but such an international committee must be run by somebody and it would soon become merely a tyrant under an alias.[1]

The history of nations began thousands of years ago, and has been called the history of the world. The real history of the world is not yet begun. The first book of the History of the World, the new Genesis, will tell how

[1] "The Spectator," Dec. 19, 1914.

the light of world sovereignty dispelled the darkness of national sovereignty. Its opening passages may remind the Christian reader of his first lesson in the story of Creation:

> And the earth was without form, and void; and darkness was upon the face of the deep. And the Spirit of God moved upon the face of the waters.
>
> And God said, "Let there be light"; and there was light.
>
> And God saw the light, that it was good: and God divided the light from the darkness.
>
> And God called the light Day, and the darkness He called Night. And the evening and the morning were the first day.

However told, such will be the story of the conception of a world people, of the mingling, the merging of the communities of the world into one body politic. Into this world-corporation the most vigorous and enterprising, the most ambitious of peoples may come and merge themselves, confident that they shall individually reap the fruits of their labor, earn the prizes of their excellence, achieve the distinctions, and acquire the influence, to which their virtues and abilities entitle them.

The way to all these things, the road to peaceful union, though shorter than the endless one to disunited peace, is very long. Travelling it may be a matter of ages; men may be deterred by its length from entering upon it, but mankind is already on it. May it take heart from the progress that it has made, and quicken its steps as it presses on, towards ever fairer prospects, not deceived as to the distance, but inspired by the noble grandeur of its destination. Is this alluring objective really in the land of destiny or in Utopia? The truth is concealed from us, but beyond the reach of our faculties, will be revealed to our posterity.

> There's a divinity which shapes our ends,
> Rough-hew them how we may.
>
> These struggling tides of life, that seem
> In wayward, aimless course to tend,
> Are eddies of the mighty stream,
> That rolls to its appointed end.

Inscrutable destiny is moving the world along towards World Sovereignty and Peace or binding it fast to National Sovereignty and War. We have considered these alternatives and chosen between them, but whichever one

seems to be our fate, let us cheerfully recognize and accept it, reflecting with the poet philosopher:

> . . . Spite of pride, in erring reason's spite,
> One truth is clear, whatever is, is right.

LOSSES IN BATTLE KILLED AND WOUNDED

FIRST PERIOD. FROM THE INTRODUCTION OF FIREARMS TO THE INVENTION OF THE IRON RAMROD AND BAYONET

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total*	*Per Cent.*
Leipzic	1631	40,000 Imperialists 21,850 Swedes	61,850	11,000 2,700	13,700	22
Lützen	1632	31,000 Imperialists 20,000 Swedes	51,000	7,000 11,000	18,000	35
Nordlingen	1634	45,000 Imperialists 24,000 Swedes	69,000	2,000 12,000	14,000	20
Rocroy	1643	22,000 French 27,000 Spanish	49,000	4,000 13,000	17,000	35
Marston Moor	1644	25,000 Parliament. 22,000 Royalists	47,000	....	7,500	16
Naseby	1645	10,000 Parliament. 10,000 Royalists	20,000	1,500 2,200	3,700	18
Seneff	1674	60,000 Allies 48,000 French	108,000	....	37,000	34

Average Percentage of Casualties for the Period, 26.

SECOND PERIOD. IRON RAMROD, SMOOTHBORE, FLINT-LOCK

Battle	Date	Engaged	Total	Casualties	Total	Per Cent.
Hohenfriedberg	1745	70,000 Prussians..... 70,000 Austrians.....	140,000	5,000 9,000	14,000	10
Fontenoy	1745	56,000 French..... 50,000 English & Austrians	106,000	5,000 7,000	12,000	11
Leuthen	1757	30,000 Prussians..... 80,000 Austrians.....	110,000	6,260 10,000	16,260	15
Kolin	1757	60,000 Austrians..... 34,000 Prussians.....	94,000	8,114 10,773	18,887	20
Hochkirch	1758	90,000 Austrians..... 40,000 Prussians.....	130,000	6,000 8,000	14,000	11
Zorndorf	1758	32,000 Prussians..... 50,000 Russians.....	82,000	11,358 21,531	32,889	40
Künersdorf	1759	90,000 Austrians and Russians ..... 40,000 Prussians.....	130,000	18,000 19,000	37,000	29
Sillery Wood	1760	3,100 English..... 6,000 French.....	9,100	1,000 2,000	3,000	33
Bunker Hill	1775	3,200 British..... 2,700 Americans.....	5,900	1,016 441	1,457	24

SECOND PERIOD—*Continued*

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total*	*Per Cent.*
Marengo	1800	28,127 French 30,850 Austrians	58,977	7,000 6,800	13,800	23
Austerlitz	1805	90,000 French 80,000 Allies	170,000	12,000 20,000	32,000	19
Jena and Auerstädt	1806	100,000 French 100,000 Prussians	200,000	14,000 20,000	34,000	17
Friedland	1807	80,000 French 55,000 Russians	135,000	10,000 17,000	27,000	20
Eylau	1807	80,000 French 75,000 Russians	155,000	30,000 25,000	55,000	35
Talavera	1809	49,000 English and Spanish 47,000 French	96,000	6,268 7,189	13,457	14
Wagram	1809	150,000 French 130,000 Austrians	280,000	....	24,000	8-9
Albuera	1811	32,000 English and Spanish 23,000 French	55,000	7,000 8,000	15,000	27
Borodino	1812	133,000 French 132,000 Russians	265,000	50,000 45,000	95,000	36

SECOND PERIOD—*Continued*

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total Per Cent.*	
Leipsic (3 days)	1813	290,000 Allies..... 175,000 French.....	465,000	47,804 50,000	97,804	21
Vittoria	1813	80,000 English and Spanish ..... 60,000 French.....	140,000	5,176 5,500	10,676	8
Bautzen	1813	150,000 French..... 90,000 Allies.....	240,000	19,000 15,000	34,000	14
Lundy's Lane	1814	5,000 British..... 4,200 Americans.....	9,200	860 878	1,738	19
New Orleans	1815	5,100 Americans..... 7,400 British.....	12,500	43 2,015	2,058	16

Average Percentage of Casualties for the Period, 20.

THIRD PERIOD. IRON RAMROD, RIFLED BARREL, PERCUSSION CAP.

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total Per Cent.*	
Alma	1854	63,000 Allies..... 39,000 Russians.....	102,000	3,602 5,700	9,311	9
Magenta	1859	48,090 French..... 61,640 Austrians.....	109,730	4,000 5,700	9,700	9

THIRD PERIOD—*Continued*

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total*	*Per Cent.*
Solferino	1859	135,230 French 163,120 Austrians	298,350	14,415 13,020	27,435	9
Shiloh	1862	40,000 Union 40,000 Confederate	80,000	9,617 9,740	19,357	24
Chickahominy (7 days)	1862	105,000 Union 88,000 Confederate	193,000	12,291 16,830	29,121	15
Antietam	1862	87,164 Union 35,355 Confederate	122,519	11,426 9,000	20,426	16
Fredericksburg	1862	100,000 Union 78,000 Confederate	178,000	10,208 4,556	14,764	8
Murfreesboro	1862	43,000 Union 33,475 Confederate	76,475	8,778 9,000	17,778	23
Chancellorsville	1863	132,000 Union 58,000 Confederate	190,000	11,030 10,281	21,311	12
Gettysburg	1863	105,000 Union 62,000 Confederate	167,000	16,543 18,000	34,543	20
Chickamauga	1863	50,000 Union 45,000 Confederate	95,000	10,906 15,800	26,706	28

Average Percentage of Casualties for the Period, 16.

FOURTH PERIOD. BREECH-LOADER, SINGLE CARTRIDGE

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total Per Cent.*	
Wörth	1870	90,000 Germans 40,000 French	130,000	10,530 7,500	18,030	14
Spicheren	1870	41,000 Germans 38,000 French	79,000	4,900 4,000	8,900	11
Mars-la-Tour	1870	60,000 Germans 140,000 French	200,000	14,900 16,900	31,800	16
Gravelotte	1870	270,000 Germans 135,000 French	405,000	20,000 16,000	36,000	9
Sedan	1870	220,000 Germans 123,000 French	343,000	10,000 17,000	37,000	8
Plevna (Sept. 7-14)	1877	36,500 Turks 100,000 Russian	136,500	4,000 18,581	22,581	17

Average Percentage of Casualties for the Period, 12½.

FIFTH PERIOD. BREECH-LOADER, MAGAZINE.

Battle	*Date*	*Engaged*	*Total*	*Casualties*	*Total*	*Per Cent.*
San Juan	1898	8,412 U. S. 3,000 Spanish	11,412	1,091 360	1,451	13
Colenso	1899	4,500 Boers 16,500 British	21,000	34 909	943	4
Magersfontein	1899	4,500 Boers 11,450 British	15,950	100 895	995	6
Modder River	1899	1,800 Boers 10,190 British	11,990	18 483	501	4
Wafangkou	1904	25,000 Russians 35,000 Japanese	60,000	2,753 1,144	3,897	6
Chentaupu	1905	84,000 Russians 42,000 Japanese	126,000	12,849 9,107	21,956	17
Mukden	1905	310,000 Russians 310,000 Japanese	620,000	71,490 70,059	141,549	23

Average Percentage of Casualties for the Period, 10.

APPENDIX B

MONROE TO ADAMS, NOV. 16, 1815

"It is evident, if each party augments its force there [on the Lakes] with a view to obtain the ascendency over the other, that vast expense will be incurred and the danger of collision augmented in like degree. The President . . . authorizes you to propose [to] the British government such an arrangement respecting the naval force to be kept on the lakes by both governments as will demonstrate their pacific policy and secure their peace. He is willing to confine it on each side to a certain number of armed vessels, and the smaller the number the more agreeable to him; or to abstain altogether from an armed force beyond that used for the revenue. You will bring this subject under the consideration of the British government immediately after the receipt of this letter."

The proposal embodied in the foregoing instruction was duly submitted by Mr. Adams

to Lord Castlereagh, who was disinclined to accede to it on the ground that a mutual stipulation against arming during peace would, by reason of the advantage of position enjoyed by the United States, be unequal and disadvantageous in its operation to Great Britain. Subsequently, however, on the proposal being renewed, Lord Castlereagh decided to accept it (H. Doc. 471, 56 Cong'l. Sess., pp. 7-9; for list of vessels on Lakes and in St. Lawrence, ib, p. 65).

On August 17, 1844, Passed Midshipman D. R. Lambert, of the U. S. Navy, wrote to the Secretary of the Navy from Rochester, N. Y.:

I find at Kingston they have a steamer *Cherokee* of about 600 tons already launched, machinery on board, and can be fitted for service in about 12 days —and can mount from 16 to 24 guns—built of wood. I learned that they have an iron steamer *Mohawk* at Toronto in commission, and commanded by Commodore Powell, R.N., and can mount from 4 to 6 guns.

On August 25, Lieutenant F. N. Parmlee wrote to the President from Lake Huron:

I learn that the British government has a powerful steamer with her armament taken out, at a small depot on the northern shore of the Lake, whither I am

now going . . . there can be no doubt, I think, that the British government is perpetually violating the spirit of the Treaty.[1]

"Perceiving our ability to erect works on the St. Lawrence that might command the channel [of the Welland Canal] and thus neutralize all they have done, Great Britain dug a canal from the foot of Lake Ontario on a line parallel to the Niagara River, but beyond reach of American guns, to a point on the St. Lawrence below, beyond American jurisdiction, thus securing a channel to and from the lakes out of reach . . . the safety of our entire northern frontier has been destroyed by the digging of two short canals. Near the head of the St. Lawrence, the British, to complete their supremacy on the Lakes, have built a large naval depot for the construction and repair of vessels, and a very strong fort to protect the depot and the outlet of the lake, . . . " Thirty years have gone by since these words were written. With the resources thus available to the British government, she might put into the Lakes vessels enough to besiege at one time every city from Ogdensburg to Chicago and Duluth, and sweep the commerce of the United States from

1 Callahan, "Neutr. of Am. Lakes," p. 127.

their waters, unless prevented by a destruction of the Canadian canals by the United States, in anticipation of any act of declaration of war (52 Cong., 1. Sess., House Rept., No. 1023, pp. 7-9).

In 1892, it was stated that two vessels for the Canadian government had been constructed at Owen Sound, Ontario, which, although styled revenue cutters and destined to suppress smuggling on the St. Lawrence River and the Lakes, were capable of adaptation to naval purposes; and that another revenue cutter of similar type had been launched from Hamilton, Ontario.[1]

In the winter of 1911 and 1912, the armed vessels on the Lakes, belonging to the Dominion of Canada and to the United States respectively, were as follows:

DOMINION OF CANADA

Vigilant, gun vessel, displacement 540 tons, 4-3 pdr.

Petrel, fishery steamer, displacement 168 tons, 2-6 pdr.

Bayfield, survey steamer, 150 tons, 2-3 pdr.[2]

1 Sen. Exec. Doc. No. 9, 52 Cong., 2 Sess., H. Doc. No. 471. 56 Cong., 1 Sess.

2 The Dominion of Canada had altogether 17 armed vessels adapted to passing into the Lakes. They ranged from 239 to 1432 tons displacement (about 150 to 1000 tons burden); and their armament from 3 machine guns to 8 guns (4-64 pounders).

UNITED STATES

1. *Essex*, Naval militia, Ohio, wood, bark-rigged; displacement 900 tons Armament: 2-6 pdr., 2-3 pdr., 2-1 pdr,—guns.	*Naval vessel*, unserviceable for war purposes.[1]
2. *Gopher*, Naval militia, Minnesota, wood. Formerly freight transport; displacement 542 tons. Armament: 1-6 pdr., 2-3 pdr., 2-1 pdr.,—guns.	Unserviceable for war purposes.
3. *Wolverine*,[2] Naval Militia, Pennsylvania, side-wheeler; displacement 685 tons. Armament: 6-6 pdr., 2-1 pdr., 2-30 cal. machine guns.	*Naval vessel*, unserviceable for war.
4. *Yantic*, Naval militia, Michigan, wood, bark-rigged; displacement 900 tons. Armament: 2-6 pdr., 2-3 pdr., 2-1 pdr.,—guns.	*Naval vessel*, unserviceable for war purposes.
5. *Don Juan de Austria*, Naval militia, Michigan, displace ment 1,130 tons. Armament: 6-3 inch (about 14 pdr.); 4-6 pdr., 2-1 pdr., 2-30 cal. machine guns.	*Gunboat* captured at Manila.

1 This term has reference to sea service and to fighting modern vessels.
2 Old "Michigan."

6. *Dubuque*, Naval militia, Illinois, 1085 tons. Armament: 6-4 inch. (about 32 pdr.); 4-6 pdr., 2-1 pdr., 2-30 calibre machine guns. *Gunboat* built in 1904.

7. *Morrill*, Revenue cutter, displacement 397 tons. Armament: 1 gun.[1]

8. *Tuscarora*, Revenue cutter, displacement 670 guns. Armament: 1 gun.[1]

[1] Not over 6 pd.

APPENDIX C

CITIZENS OF THE UNITED STATES AND OF LATIN-AMERICAN COUNTRIES IN CERTAIN COUNTRIES OF CONTINENTAL EUROPE, WINTER OF 1900-1901[1]

Countries	*Of the United States*	*Of Latin-America*
France	6,155	10,017
Germany	17,848	2,812
Italy	2,907	1,638
Spain	488	1,972
Portugal	646	7,675
Sweden	422	11
Luxembourg	18	8
Norway	3,648	81
Totals	32,082	24,214

For Germany, on the 1st of December, 1910, the numbers are:

United States.....17,512
Latin-Americans 4,890

1 Except those of France which are for March 24, 1901. Those of Germany for Dec. 1, 1910 are: United States 17,572 and Latin-America 4,250, showing a slight loss on the part of the former and a considerable gain on the part of the latter. These figures are exclusive of 640 unsorted Americans ("Statistical Yearbook of the German Empire for 1912").

For Berlin:

United States	702
Latin-Americans	808

And for Paris (March 24, 1901):[2]

United States	3,665
Latin-Americans	4,892

[1] "Résultats, statistiques du Recensement général de la Population" (1901), IV.

APPENDIX D

ARTICLES OF AGREEMENT CONSTITUTING AN INTERNATIONAL COURT OF DECREE AND ENFORCEMENT, SUGGESTED BY OSCAR T. CROSBY

ARTICLE I. The object of this Agreement is declared to be the abolition of international war, and the furtherance of peaceful coöperation between the governments assenting to these Articles.

ARTICLE II. In the pursuit of this object, the signatories hereto undertake to create a sovereign body, to be called the International Court of Decree and Enforcement, hereinafter designated as the Court. And they bind themselves to perform the things required of each for the establishment and maintenance of the Court.

ARTICLE III. Sec. 1. The Court shall be composed of representatives of the signatories hereto, hereinafter referred to as member-states.

Sec. 2. The number of representatives, plus those determined by the provision of Sec. 5, this article, shall be as follows:

From each of the following states: The United States of America, Great Britain, Germany, France, Russia, Italy, Spain, Austria-Hungary, Turkey, China, Japan, three members.

Sec. 3. From each of the following states and groups of states: Mexico, Brazil, Denmark, Holland, Belgium, the Argentine Republic, Chili, Persia, Portugal; the groups of states as follows: first group, Sweden and Norway; second group, Servia, Roumania, Bulgaria; third group, Colombia, Panama, Venezuela, Bolivia; fourth group, Nicaragua, Honduras, Costa Rica, Salvador, Guatemala, two members.

Sec. 4. From each of the following states and groups of states: Abyssinia, Switzerland, Greece, Siam, Afghanistan, Peru, group of Paraguay and Uruguay, one member.

Sec. 5. From each state (except China) named in Sec. 2, this article, one member for every 10,000,000 inhabitants in excess of 30,000,000; from each state or group of states named in Sec. 3, this article, one member for every 10,000,000 inhabitants in excess of 20,000,000; from each state named in Sec. 4, this article, one member for every 10,000,000 inhabitants in excess of 10,000,000; for China, one member for every 50,000,000 inhabitants in excess of 200,000,000; provided, that in the enumeration of inhabitants for the purposes of this article no account shall be taken of any persons held in slavery, inhabitants of colonies or protectorates or possessions not self-governing.

Sec. 6. The membership based upon the provisions of Sections 3, 4, and 5, this article, shall, during the first ten years of the exercise of this Constitution, be taken as follows:

United States of America, ten.

Great Britain, six (or twelve).*
Austria-Hungary, five.
German Empire, six.
Russian Empire, fourteen.
France, four (or five).*
China, seven.
Japan, five.
Holland, two (or three).*

For all other states, the total number of representatives shall be set forth in Sections 3 and 4.

At the end of the said period of ten years, and thereafter every tenth year, the Court shall inquire into and fix, for the purposes of representation in this Union, the populations of the member-states.

ARTICLE IV. Sec. 1. The pay of members shall be twenty thousand dollars per annum.

Sec. 2. The manner of selection, the personal qualifications, and the term of office of members shall be such as may be determined by their respective Governments.

ARTICLE V. Sec. 1. The first place of meeting of the Court shall be at The Hague, in Holland. This meeting shall take place, and the conditions of this constitution shall become operative, one year from the date when any six of the following named states may have adopted and signed these articles of union, viz., the United States of America, Great Britain, France, Germany, Austria-Hungary, Russia, and Japan.

1 The total exclusion of controlled populations from the enumeration for representation is questionable. Perhaps it would be better to read, after the word "slavery," as follows: "Inhabitants of colonies or protectorates or possessions, governing, shall entitle their Metropolitan Power to representation on the following basis, viz.: For the first thirty millions, one member, for every sixty millions in excess of the first thirty millions, one member."—O. T. C.

Sec. 2. During a period of five years after the first year of the exercise of this constitution, the Court may sit in such capitals of member-states as it may select. During the same period of five years the Court shall endeavor to obtain sole sovereignty of an area not exceeding ten miles square, and there fix its seat of government, and if it should not succeed in obtaining such sole sovereignty, the Court shall thereafter have its sittings wherever it may determine, provided, however, the persons of members of the Court shall always be inviolable when journeying to and from, or in attendance upon, sittings of the Court.

ARTICLE VI. Sec. 1. The rules of procedure of the Court shall be such as from time to time may be fixed by it, provided, however, that a majority vote of the members shall always be required for the following purposes, viz.:

(1.) For adopting, or altering, rules of procedure.

(2.) For rendering final decision in any dispute between member-states.

(3.) For authorizing the use of violence by the armed forces of the Court.

(4.) For determining the sums required for meeting the expenses of the operations of the Court.

(5.) For electing a president and vice-president (who shall be members) and for defining their powers and term of office.

(6.) For passing upon the credentials of members whose right to recognition as such may be in dispute.

Sec. 2. Communication between the Court and the

member-states shall be carried on by their respective executives, unless other officials be specially appointed thereto by the Court or the member-states.

Sec. 3. The Court shall cause to be printed in French, with reasonable promptness, and to be furnished to the member-states full reports of its decisions, whether judicial or executive, but its deliberations may be made public or not as the Court may decide.

ARTICLE VII. The powers of the Court shall be as follows:

Sec. 1. To decide by decree all disputes submitted to it by any state (whether a member or not) and arising between a member-state and any other state (whether a member or not). Such decision may be made upon the evidence presented by the state submitting the dispute, if, within such period as may be fixed by the Court, the other state or states concerned, having been admonished by the Court, shall have failed to present other evidence.

Sec. 2. Second, to enforce by arms the execution of its decrees, the fulfilment of demands made in accordance with this Constitution, and the exercise of all powers granted herein.

Sec. 3. To repel any attack, or to repress preparations therefor, by any state against any member-state.

Sec. 4. To aid any member-state, upon request of such state, in the suppression of rebellion; to intervene in the affairs of any state disordered by armed rebellion, and to pacify such disorder by advice, decree, or force, provided such intervention be requested by any other state alleging that the com-

mon principles of humanity or its own great interests are being continuously violated within the disordered territory.

Sec. 5. To establish, maintain, and control such civil organization and such armed force on land and sea as the Court may deem necessary. Conscription of the armed personnel shall be effected, when necessary, through demand made upon the member-states, for numbers of men fixed in the ratio of the relative populations of the states. And for this purpose the population shall be determined in the manner specified in Section 5, Article III.

Sec. 6. To determine annually the sums required for meeting the expenses of the government hereby constituted; to demand of each member-state payment of its due proportion of said sums, the apportionment among the states to be made in the ratio which the number of representatives of each state may bear to the total number of members of the Court on the first day of July of the year for which the apportionment is made.

Sec. 7. To acquire and hold such lands, buildings, docks, anchorages, and rights of way as may be necessary for the efficient maintenance of its civil and military establishment. Such acquirement may be effected through purchase, gift, or demand made upon any member-state for the exercise by it of its right of eminent domain in respect to property desired and which cannot otherwise be had on conditions satisfactory to the Court.

Sec. 8. To demand of member-states that, within three months from the date when this Constitution shall become effective, they shall surrender to the con-

trol of the Court all armed vessels of war and all material appurtenant thereto; to select from such surrendered vessels and material whatever the Court may desire to retain in its naval establishment; to disarm the remaining vessels, and to return them, with material not desired, within six months from the date of their surrender; to demand of member-states that they shall not build armed vessels of war; to demand that, within one year from the date when this Constitution shall become effective, the standing armies of all member-states shall be reduced to a footing of one soldier for each thousand inhabitants, determined according to the provisions of Section 5, Article III, and provided that land forces maintained solely for service in colonies not self-governing shall not be subject to the restrictions of this article; to demand of each member-state such portion of its material for land forces as the Court may require; to value all vessels and material retained by the Court under the provisions of this article, and to pay for the same within ten years from the date of its acquirement; to demand the disarmament of fortifications fronting the land frontiers between member-states; to occupy, maintain, alter, or disarm seacoast fortifications of member-states and fortifications fronting the frontiers between member-states and other states.

Sec. 9. To make terms of peace which shall be binding upon all member-states affected, in order to conclude any war waged between the forces of the Court and those of any state, provided that no war shall be terminated by a peace treaty objectionable to any member-state, so long as such state continues to furnish to the Court men and material of war suf-

ficient for the vigorous conduct of military operations.

Sec. 10. To propose to states for their consideration methods of promoting the common good of mankind in literature, science, art, and commerce.

Sec. 11. To recognize any sovereign state that may hereafter come into existence, and to fix the number of representatives in the Court to which such state should be entitled as a member of this Union.

ARTICLE VIII. An amendment to this Constitution shall have full force and effect as a part of it when it shall have received the assent of three-fourths of the members of the Court and of two-thirds of the member-states, provided that, for the purposes of this article, each group of states named in Article III shall be taken as one state.

APPENDIX E

EXTRACT FROM: *An Essay towards the Present and Future Peace of Europe, by the Establishment of an European Dyet, Parliament, or Estates.* (1693-94) BY WILLIAM PENN

SECTION IV. . . . Now if the *Soveraign Princes of Europe* who represent that Society or Independent State of Men that was previous to the Obligations of Society, would for the same Reason that engaged Men first into Society, *viz: Love of Peace and Order*, agree to meet by their Stated Deputies in a *General Dyet, Estates, or Parliament*, and there Establish Rules of Justice for Soveraign Princes to observe one to another; and thus to meet yearly or once in Two or Three years at farthest, or as they shall see cause, and to be stiled, *The Soveraign or Imperial Dyet, Parliament, or State of Europe;* before which Soveraign Assembly should be brought all Differences depending between one Soveraign and another, that cannot be made up by private Embassies, before the Sessions begin; and that if any of the Soveraignties that constitute these Imperial States, shall refuse to submit their Claim or Pretensions to them, or to abide and perform the Judgment thereof, and seek their Remedy by Arms, or delay their Compliance beyond the time prefixt in their Resolutions, all the other Soveraignties, United as one Strength, shall compel the Submission and performance of the sentence, with Damages to the suffering Party and Charges to the Soveraignties that obliged their submission. . . .

APPENDIX F

PEACE CONVENTION DRAFTED BY THE ABBE DE SAINT-PIERRE

Exposition des Articles du Traité fondamental pour rendre la Paix de l'Europe la plus durable qu'il est possible.

PREMIER ARTICLE

Il y aura désormais entre les souverains qui auront signé les cinq articles suivants une alliance perpétuelle.

1. Pour se procurer mutuellement, durant tous les siècles à venir, sûreté entière contre les grands malheurs des guerres étrangères.

2. Pour se procurer mutuellement, durant tous les siècles à venir, sûreté entière contre les grands malheurs des guerres civiles.

3. Pour se procurer mutuellement, durant tous les siècles à venir, sûreté entière de la conservation en entier de leurs Etats.

4. Pour se procurer mutuellement, dans tous les temps d'affaiblissement, une sûreté beaucoup plus grande de la conservation de leur personne et de leur famille dans la possession de la souveraineté selon l'ordre établi dans la nation.

les dits jugements ou règlements, ou donné sûreté de réparer les torts causés par ses hostilités, et de rembourser les frais de la guerre suivant l'estimation qui en sera faite par les commissaires de la grande alliance.

CINQUIÈME ARTICLE

Les alliés sont convenus que les plénipotentiaires, à la pluralité des voix pour la définitive, régleront dans leur assemblée perpétuelle tous les articles qui seront jugés nécessaires et importants pour procurer à la grande alliance plus de solidité, plus de sûreté, et tous les autres avantages possibles; mais l'on ne pourra jamais rien changer à ces cinq articles fondamentaux que du consentement unanime de tous les alliés.[1]

1 "L'Abbé de Saint-Pierre," by M. G. de Molinari, pp. 77 et seq. In an "éclaircissement" the Abbé says: "Tels sont les cinq articles fondamentaux nécessaires pour rendre la paix durable et perpétuelle." ("Opus cit.," p. 84.)

APPENDIX G

TREATY BETWEEN THE UNITED STATES OF AMERICA AND SALVADOR, LOOKING TO THE ADVANCEMENT OF THE CAUSE OF GENERAL PEACE, SIGNED AUGUST 7, 1913, NOT RATIFIED

The United States of America and the Republic of Salvador, being desirous to strengthen the bonds of amity that bind them together and also to advance the cause of general peace, have resolved to enter into a treaty for that purpose and to that end have appointed as their plenipotentiaries:

The President of the United States, the Honorable William Jennings Bryan, Secretary of State; and

The President of Salvador, Señor Don Federico Mejía, Envoy Extraordinary and Minister Plenipotentiary of Salvador to the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon the following articles:

ARTICLE I

The high contracting parties agree that all disputes between them, of every nature whatsoever, which diplomacy shall fail to adjust, shall be sub-

mitted for investigation and report to an International Commission, to be constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and report.

Article II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments. The expenses of the Commission shall be paid by the two Governments in equal proportion.

The International Commission shall be appointed within four months after the exchange of the ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

Article III

In case the high contracting parties shall have failed to adjust a dispute by diplomatic methods, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, act upon its own initiative, and in such case it shall notify both Governments and request their co-operation in the investigation.

The report of the International Commission shall be completed within one year after the date on which

it shall declare its investigation to have begun, unless the high contracting parties shall extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The high contracting parties reserve the right to act independently on the subject-matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

Pending the investigation and report of the International Commission, the high contracting parties agree not to increase their military or naval programs, unless danger from a third power should compel such increase, in which case the party feeling itself menaced shall confidentially communicate the fact in writing to the other contracting party, whereupon the latter shall also be released from its obligation to maintain its military and naval *status quo*.

ARTICLE V

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the Republic of Salvador, with the approval of the Congress thereof; and the ratifications shall be exchanged as soon as possible. It shall take effect immediately after the exchange of ratifications, and shall continue in force for a period of five years; and it shall thereafter remain in force un-

til twelve months after one of the high contracting parties has given notice to the other of an intention to terminate it.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereunto their seals.

Done in Washington on the seventh day of August, in the year of our Lord nineteen hundred and thirteen.[1]

POWERS THAT HAVE SIGNED TREATIES WITH THE UNITED STATES SIMILAR TO THE FOREGOING ONE, WITH DATES OF SIGNATURE AND RATIFICATION

	Powers	*DATE of Signature*	*of Ratification*
1.	Salvador	Aug. 7, 1913	————
2.	Guatemala	Sept. 20, 1913	Oct. 13, 1914
3.	Honduras	Nov. 3, 1913	————
4.	Nicaragua	Dec. 17, 1913	————
5.	The Netherlands	Dec. 18, 1913	————
6.	Bolivia	Jan. 22, 1914	Jan. 8, 1915
7.	Portugal	Feb. 4, 1914	Oct. 24, 1914
8.	Persia	Feb. 4, 1914	————
9.	Switzerland	Feb. 13, 1914	————
10.	Costa Rica	Feb. 13, 1914	Nov. 12, 1914
11.	Venezuela	Mch. 21, 1914	————
12.	Denmark	April 17, 1914	Jan. 15, 1915
13.	Italy	May 5, 1914	————

[1] 63 Cong., 2 Sess., Exec. K, Confidential, 1914.

14.	Norway	June 24, 1914	Oct. 21, 1914
15.	Peru	July 14, 1914	————
16.	Uruguay	July 20, 1914	————
17.	Argentine Republic	July 24, 1914	————
18.	Brazil	July 24, 1914	————
19.	Chile	July 24, 1914	————
20.	Paraguay	Aug. 29, 1914	————
21.	France	Sept. 15, 1914	Jan. 22, 1915
22.	Great Britain	Sept. 15, 1914	Nov. 10, 1914
23.	Spain	Sept. 15, 1914	Dec. 21, 1914
24.	China	Sept. 15, 1914	————
25.	Russia	Oct. 1, 1914	————
26.	Ecuador	Oct. 13, 1914	————
27.	Greece	Oct. 13, 1914	————
28.	Sweden	Oct. 13, 1914	Jan. 11, 1915

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